

Implementation Agreement

**Southern Nevada Public Land Management Act of 1998
Public Law 105-263 (as amended)**

**Federal Land Transaction Facilitation Act of 2000
Public Law 106-248**

June 7, 2006

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I. INTRODUCTION

The Southern Nevada Public Land Management Act of 1998

The Southern Nevada Public Land Management Act (P.L. 105-263) (SNPLMA) was passed by Congress and signed into law in October 1998. The SNPLMA provides for the disposal of public land within a specific area in the Las Vegas Valley and creates a Special Account (SNPLMA Special Account) into which 85% of the revenue generated by land sales or exchanges in the Las Vegas Valley is deposited. The remaining 15% is split between the State (5%) and the Southern Nevada Water Authority (10%).

Additional legislation has amended the SNPLMA by including additional public land in the disposal area, authorizing deposit of certain land sale revenues into the SNPLMA Special Account, adding Conservation Initiatives as a new expenditure category, adding Lake Tahoe Restoration Act projects as another category, and authorizing certain revenues be set aside for specific purposes. The amending legislative acts are:

- Consolidated Appropriation Act of 1999 (P.L. 106-113);
- Ivanpah Valley Airport Public Lands Transfer Act of 2000 (P.L. 106-362);
- Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107-282); and
- Department of Interior and Related Agencies Appropriation Act (P.L. 108-108).
- Lincoln County Conservation, Recreation, and Development Act of 2004 (P.L. 108-424)

The SNPLMA, as amended, authorizes the Secretary of the Interior to approve expenditure of the revenue in the SNPLMA Special Account for the following categories:

- Acquisition of environmentally sensitive land in Nevada, with priority given to lands within Clark County;
- Capital Improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge [Complex], the Red Rock Canyon National Conservation Area and other areas administered by the Bureau of Land Management (BLM) in Clark and Lincoln Counties, and the Spring Mountain National Recreation Area;
- Development of a multi-species habitat conservation plan (MSHCP) in Clark County;
- Development of parks, trails, and natural areas in Clark and Lincoln Counties pursuant to a cooperative agreement with units of local government or regional governmental entities;
- Conservation Initiatives on Federal land in Clark and Lincoln Counties, Nevada, administered by the Department of Interior or the Department of Agriculture;

- Federal Environmental Restoration projects under section 6 and 7 of the Lake Tahoe Restoration Act, Environmental Improvement Payments under section 2(g) of Public Law 96-586, and any Federal environmental restoration project included in the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 (as amended) *“in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts”* as directed in Appropriation Bill 108-108, Section 341 & 342 (2003); and
- Reimbursement of costs incurred by the BLM in arranging sales or exchanges under the SNPLMA. Language in Senate Report 106-99 (on S-192) provided clarification to this provision, noting that it was the intent of Congress that this *“shall include not only the direct costs for these sales and exchanges, but also other BLM administrative costs associated with implementing the provisions of the Act.”*

Certain revenues deposited into the SNPLMA Special Account are designated and set aside for specific purposes. These set asides include:

- Acquisition of in holdings within the Mojave National Preserve in California and protection and management of petroglyph resources in Clark County, utilizing revenues from the disposal of lands in the Ivanpah Valley for an airport. These revenues are not available until the lands are transferred to Clark County, Nevada, and a final Record of Decision pursuant to the National Environmental Policy Act of 1969 has been issued which permits development of the airport at the Ivanpah site;
- Acquisition of environmentally sensitive land in the Lake Tahoe Basin pursuant to the Santini-Burton Act of 1980 (P.L. 96-586), utilizing revenue deposited in the SNPLMA special account from the conveyance (e.g., sale, lease, etc.) of parcels within the SNPLMA disposal boundary which are also within the disposal boundary established by the Santini-Burton Act;
- Expenditure of revenues from the sale of Parcel A identified on the map entitled “Southern Nevada Public land management Act” dated October 1, 2002, are set aside in the SNPLMA Special Account pursuant to the Clark County Conservation of Public Land and Natural Resources Act of 2002 (P. L. 107-282) for management of the Sloan Canyon National Conservation Area; and
- Development of a MSHCP for the Virgin River and associated groundwater monitoring utilizing revenue from the sale of certain land to the City of Mesquite.
- Up to \$6 million dollars for a “Water Resources Study of the Basin and Range Carbonate Aquifer System (BARCAS) in White Pine County, Nevada and Adjacent Areas in Nevada and Utah” pursuant to provisions of the Lincoln County Conservation, Recreation, and Development Act of 2004 (P.L. 108-424);

The SNPLMA grants the Secretary of the Interior and the Secretary of Agriculture the authority to determine whether land proposed for acquisition is “environmentally sensitive,” defined in the Act as land that would:

“...promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife and other values contributing to the public enjoyment and biological diversity; enhance recreational opportunities and public access; provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or otherwise serve the public interests.”

The SNPLMA requires the Secretary of the Interior to “coordinate the use of the [SNPLMA] special account with the Secretary of Agriculture, the State of Nevada, local governments, and interested persons, to ensure accountability and demonstrated results,” and to cooperate with the Secretary of Agriculture in submitting an annual report to Congress.

As noted above, Appropriation Bill 108-108, Section 341 & 342 (2003), authorizes the Secretary of Interior to transfer funds to the Secretary of Agriculture, or if the Secretary of Agriculture enters into a cooperative agreement with another Federal agency, the head of the Federal agency, for Federal environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354), environmental improvement payments under section 2(g) of Public law 96-586 (94 Stat. 3382) and any Federal environmental restoration projects included in the Environmental Improvement Program (EIP) adopted by the Tahoe Regional Planning Agency in February 1998 (as amended). The amount of funds shall be “in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts.”

The Federal Land Transaction Facilitation Act of 2000

The Federal Land Transaction Facilitation Act (P.L. 106-248) (FLTFA), commonly referred to as the "Baca Act", was passed by Congress and signed into law on July 25, 2000. The FLTFA provides for the revenues from the disposal of public land nationwide, identified for disposal as of the date of passage of the FLTFA, to be deposited into a Special Account (FLTFA Account) created by the FLTFA. Ninety-six (96%) of the revenue generated by eligible land sales or exchanges is deposited into the FLTFA Account and the remaining 4% is distributed to the State.

The FLTFA authorizes the Secretary of the Interior and the Secretary of Agriculture to expend the revenue in the FLTFA Account for:

- Acquisition of in holdings within the boundaries of federally designated areas, and lands adjacent to federally designated areas which contain exceptional resources as defined in the Act. Not less than 80% of the amount deposited into the FLTFA Account shall be used for such acquisitions, and not less than 80% of amount allocated for acquisitions must be expended within the State in which the funds were generated. Up to 20% of the amount allocated for acquisitions may be expended in any other State; and

- Reimbursement of administrative and other expenses incurred by the BLM necessary to carry out the land disposal program under the FLTFA. No more than 20% of the amount deposited into the FLTFA Account may be used for this purpose.

The FLTFA directs the Secretary of the Interior to report activities under the FLTFA in the annual publication of the Public Land Statistics. Effective on May 5, 2003, the Bureau of Land Management (BLM), National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), and USDA Forest Service (FS) entered into a national-level Memorandum of Understanding (FLTFA MOU) for the interagency implementation of the FLTFA. The FLTFA MOU further allocated the acquisitions amount to each agency as follows: 60% to BLM, 20% to FS, 10% to FWS, and 10% to NPS. Consistent with the FLTFA, the Secretary of the Interior and the Secretary of Agriculture may mutually decide to allocate funds to a specific acquisition project, notwithstanding the allocations set forth in the FLTFA MOU. In addition, the FLTFA MOU established the Land Transaction Facilitation Council, consisting of the signatories of the FLTFA MOU, and directed the preparation of state-level implementation plans.

Development and Maintenance of the Implementation Agreement

The Implementation Agreement was first developed for the SNPLMA in 1999 by a team of representatives from the BLM, FWS, FS, and NPS. The purpose of the agreement was to address how the Federal agencies could work together to implement the portions of the SNPLMA that require coordination both within the Department of the Interior and between the Department of the Interior and the Department of Agriculture. The team also addressed the requirements related to coordination and consultation with the State of Nevada, local governments, and interested parties. The team assembled a document, entitled *The Federal Partners Charter*, which outlined a collaborative process for developing a recommendation for the Secretary of the Interior regarding the SNPLMA Special Account expenditures. *The Federal Partners Charter* was executed to produce the Round 1 Recommendation for the expenditure of the SNPLMA Special Account. The lessons learned in executing the process have proven valuable in modifying certain terms of the Charter in order to make the process more efficient and effective. A continuous improvement approach was adopted, and the Charter, renamed *The Southern Nevada Public Land Management Act (SNPLMA) Implementation Agreement in May 2000*, has been revised on an annual basis. A history of the annual revisions can be found in Appendix N.

This Implementation Agreement is expected to continue to evolve during the life of the Acts. Maintenance of the Implementation Agreement is the responsibility of the Partners Working Group. BLM will prepare draft revisions based on processes put into place with the Executive Committee since the previous version was approved, SNPLMA Division recommendations, Executive Committee decisions regarding changes in policy, comments and suggestions from Federal managers and SNPLMA Subgroup members, and Working Group recommendations. The BLM will distribute the draft revisions for review and comment by the subgroups and others involved in implementation of the Acts. A final draft approved by the Working Group will be submitted to the Executive Committee. All proposed changes must be approved by the Executive Committee before they take effect except those effective as of the date of prior Executive Committee decisions.

II. OBJECTIVES

The changes to the Implementation Agreement over the years reflect lessons learned for implementation, modifications to the SNPLMA, changing circumstances due to the growth and expansion of the SNPLMA program, and the integration of implementation of FLTFA into the SNPLMA nomination and approval process.

The objectives of the Implementation Agreement are to:

- Establish policies, procedures, and business rules for implementation of the SNPLMA, as amended, and the FLTFA in order to ensure the expenditure of the Special Accounts in a manner that is consistent with the SNPLMA and FLTFA which includes ensuring tangible results;
- Clarify the respective roles of the Federal agencies, the State of Nevada, local and regional governmental entities throughout Nevada, and interested parties in order that they might work together effectively to implement the SNPLMA (as amended) and FLTFA;
- Effectively involve the eligible Federal agencies, State of Nevada, local and regional governmental entities, and interested parties in the process of assembling the recommendation to the Secretaries for expenditure of funds in the Special Accounts;

III. ORGANIZATION, RESPONSIBILITIES AND RELATIONSHIPS

Secretary, United States Department of the Interior

The Secretary of the Interior is charged with implementation of the SNPLMA, and the Secretary of the Interior and the Secretary of Agriculture are jointly charged with implementation of the FLTFA. In September 2000, the Secretary of the Interior assigned the responsibility for implementing the SNPLMA to the Bureau of Land Management, and the FLTFA MOU assigns national responsibility for implementing the FLTFA. The Secretary of the Interior has maintained approval authority over the expenditure of the SNPLMA Account, and the Secretary of the Interior and the Secretary of Agriculture have jointly maintained approval authority over the expenditure of the FLTFA Account. However, the Secretaries may, at their discretion, delegate this approval authority to others. The Secretary of the Interior has delegated authority for implementation of the SNPLMA to the Bureau of Land Management; approval of the annual implementation budget is delegated to the BLM Nevada State Director who also serves as the Chairman of the SNPLMA Executive Committee.

Bureau of Land Management Nevada State Office (NSO)

The BLM Nevada State Office (NSO), manages certain implementation activities for the SNPLMA and FLTFA in Nevada. The role of the NSO is to:

- Coordinate with the BLM's National Business Center for management of the Special Accounts, including accounting for, investing, and disbursing funds
- Provide Funds Control for the Special Account;
- Review and coordinate for approval of SNPLMA operating budget;
- Provide contracting functions for SNPLMA Intergovernmental Orders (IGOs) and task orders as well as certain acquisition and project-related procurements;
- Provide contracting officer approval for reimbursement of necessary expenses for approved projects and acquisitions following acceptance of the reimbursement package by the LVFO SNPLMA Division and ensure accurate and timely payment; and
- Provide assistance as required to effect the transfer of funds to federal agencies for approved projects consistent with the Transfer Process outlined in Section VIII below.
- Facilitate the development, continuous improvement, and implementation of procedures and guidelines for nominating expenditures for land acquisitions, in coordination with the SNPLMA process;
- Prepare the FLTFA Nevada Final Recommendation package for transmittal to the Lands Transaction Facilitation Council and for Secretarial approval;
- Prepare the preliminary and final recommendation packages for expenditure of funds in the SNPLMA Special Account for Secretarial approval;
- Manage the FLTFA Account, including development of annual work plans and allocation of funds for reimbursement of administrative expenses to carry out the land disposal program; and providing guidance and support to Nevada BLM field offices on the collection of revenues; and
- Facilitate the development and coordination of annual reporting of FLTFA activities in the Public Land Statistics.

Bureau of Land Management National Business Center (NBC)

The BLM's National Business Center in Denver Colorado has national responsibility for BLM financial accounting processes and procedures, contracting, implementation of OMB and other federal financial regulations throughout the BLM, as well as facilitation and coordination of financial audits. The NBC assists with implementation of the SNPLMA by providing the following services:

- Management of the SNPLMA investment program in order to ensure that funds are effectively invested at all times as required by the Act while maintaining an adequate cash in the Special Account to cover disbursements;

- Provides input to the SNPLMA Annual Report to Congress and annual Public Land Statistics;
- Preparation of a monthly financial status report and monthly investment reports;
- Coordinate with the BLM Las Vegas Field Office SNPLMA Division regarding processing of BLM task orders and reimbursements, anticipated disbursements affecting cash account requirements, financial updates, and the SNPLMA Grand Matrix to ensure accuracy of tracking and account numbers and financial information utilized by both offices.
- Ensure cash availability from investments in the Special Account for transfer of funds and process transfer requests for submittal to the BLM Washington Office of Budget for entry into the Department of the Treasury system.

Bureau of Land Management-Las Vegas Field Office (LVFO) Division of Lands

The BLM Las Vegas Field Office, Division of Lands to manage implementation of the SNPLMA. The role of this Division regarding disposals, acquisitions and other expenditures is to:

- Coordinate land disposal activities with local governments through the joint selection process;
- Conduct all land disposals under the SNPLMA (generally two auctions a year, sales directed by legislation, and in unique circumstances modified competitive or direct sales). Prepare land for sale by completing Preliminary Environmental Site Assessments (ESA); writing Environmental Assessments; ordering appraisals; preparing Master Title Plats and maps; and preparing a Notice of Realty Action (NORA) for publication in the Federal Register and local newspaper and mail copies of the NORA to adjacent property owners and to other interested parties. Post sale activities include preparing the a Final ESA, mailing notices to high bidders, collecting final payments, and transmittal of case files to the BLM Nevada State Office;
- Coordinate and conduct land disposals under FLTFA as required;
- Provide input for management of the SNPLMA Special Account to include development of annual work plans, work load accomplishments, and expenses to carry out land disposals.

Bureau of Land Management-Las Vegas Field Office (LVFO) Division of SNPLMA Acquisition, Improvement, and Conservation Programs

The BLM Las Vegas Field Office, Division of SNPLMA Acquisition, Improvement, and Conservation Programs (SNPLMA Division) has responsibility related to management of the

overall implementation of the SNPLMA. The role of this Division regarding implementation of the SNPLMA and expenditures from the SNPLMA Special Account is to:

- Promote collaboration among the eligible Federal agencies and local and regional governmental entities in identifying properties and projects with the greatest public benefit, regardless of agency jurisdiction;
- Facilitate the development, improvement, and implementation of procedures and guidelines for nomination packages under the applicable categories and publish the nomination requirements for each Round of SNPLMA nominations;
- Ensure that coordination and consultation occurs with the BLM Resource Advisory Councils (RACs), State of Nevada, local governments, and interested parties, in coordination with the offices responsible for implementation of FLTFA;
- Provide input for management of the SNPLMA Special Account, including development of annual work plans, work load accomplishments, and allocation of funds for reimbursement of administrative expenses to implement SNPLMA, archiving all documentation needed to support the use of the revenue;
- Implement the processes and procedures outlined in this document to manage the nomination process, obligate and/or transfer funds for approved projects in all categories, including Lake Tahoe projects under MOUs with participating Federal agencies; assure compliance with documentation and other requirements; provide technical guidance and expertise to assist in carrying out projects and acquisitions; manage the process for use of the Special Account Reserve (SAR), Pre-Proposal Planning (PPP) reserve, and Budget Reallocation; review and process requests for amendments to task orders and IGOs; review and process reimbursement requests for all project categories funded through inter-governmental orders and task orders; help ensure accountability and demonstrated results as required by the SNPLMA; and
- Develop and coordinate the SNPLMA Annual Report to Congress and annual Public Land Statistics.

The Four Federal Land Management Agencies

The four Federal land management agencies directly involved in implementation of both Acts are the Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service in the Department of the Interior; and the Forest Service in the Department of Agriculture. Successful implementation of the Acts requires these agencies to work together to ensure that the public benefit is maximized for current and future generations of Americans.

In signing this agreement, each agency agrees to:

- Participate in the process established in this agreement to identify eligible expenditures under the Acts to provide the greatest public benefit;

- Consult with the State of Nevada, local governments, and interested persons for all properties nominated for acquisition regarding the need for the acquisition and the potential impacts to State and local governments;
- Follow any and all applicable policies, procedures and guidelines for the acquisition of land, capital improvements, MSHCP projects, conservation initiatives, and Lake Tahoe Restoration projects;
- Establish and implement cooperative agreements as necessary; and take other actions related to implementing the Secretaries' decisions regarding use of the Special Accounts; and
- Provide all documentation determined by the Bureau of Land Management, Nevada State Office and Las Vegas Field Office SNPLMA Division, as required and necessary to support expenditures of the Special Accounts and/or to prepare the annual reports required by the Acts.

SNPLMA/FLTFA Interagency and Intergovernmental Organizational Units

A Federal Partners Executive Committee, Partners Working Group, several SNPLMA/FLTFA subgroups, and a variety of Lake Tahoe groups have been established to achieve the objectives outlined above. These groups have varying degrees of representation by State and local and regional governmental entities. It is important to note that the process of developing a recommendation for the Secretaries' consideration is designed to be as open and inclusive as possible without bias for or against any particular unit of government or interested party. The "Recommendation Development Process" section of this Implementation Agreement details the opportunities that the State, local and regional governmental entities, federal agencies and interested parties have to participate in the process.

A. The Federal Partners Executive Committee

The Federal Partners Executive Committee (Executive Committee) is structured to act on behalf of the Secretaries of Interior and Agriculture in preparing the Final Recommendation. The coordination required between the Department of the Interior and the Department of Agriculture occurs, in part, within this Committee. The Federal Partners Executive Committee is composed of the State or Regional Director or Manager of each of the four Federal land management agencies as listed below:

- Bureau of Land Management - State Director, Nevada State Office (Chair)
- National Park Service - Regional Director, Pacific West Region
- U.S. Fish & Wildlife Service - Manager, California/Nevada Operations Office
- USDA Forest Service - Regional Forester, Inter-Mountain Region (Region 4)

The Executive Committee prepares and transmits the SNPLMA Final Recommendations for expenditure of the funds in the Special Accounts to the Land Transaction

Facilitation Council for the FLTFA and to the Secretary of the Interior for the SNPLMA. The Land Transaction Facilitation Council reviews the FLTFA proposals and makes recommendations to the Secretaries. The USDA Forest Service Region 4 member also represents Forest Service interests regarding Lake Tahoe Restoration Projects. The Executive Committee forwards the Recommendation for Lake Tahoe Restoration Projects to the Secretary of Agriculture, through the USDA Forest Service Region 4 member for approval, and to the Secretary of Interior for approval to utilize SNPLMA funds for the recommended projects and inclusion in the SNPLMA Special Account budget. The Secretaries make the final decisions regarding expenditures under the Acts unless further delegated. Once approvals are received, the Executive Committee oversees the use of the funds in the Special Accounts to achieve the desired objectives.

Approval of this Implementation Agreement and other decisions by the Executive Committee are by majority decision. The Executive Committee retains the authority to approve waivers of specific requirements under the Implementation Agreement where the Committee determines extenuating circumstances warrant.

If any of the four member agencies were to not sign this Agreement, that agency would not be eligible to receive funds for SNPLMA/FLTFA approved projects, but would still be eligible to participate in SNPLMA/FLTFA through the various organizational groups and their functions as described herein.

B. The Partners Working Group

The Partners Working Group is composed of one representative who has decision making authority and voting authority from each of the following organizations::

- Bureau of Land Management (Chair)
- State of Nevada (appointed by the Governor)
- One seat to represent all of the local & regional governmental entities in Clark and Lincoln Counties, Nevada (selected by the Parks, Trails, and Natural Areas Subgroup)
- Rural Nevada (a member of NACO per decision of the Governor)
- National Park Service
- U.S. Fish and Wildlife Service
- USDA Forest Service
- Bureau of Reclamation, Lower Colorado Regional Office, (ex officio member)

The Partners Working Group has two primary functions. First, the Working Group coordinates suggested revisions to the Implementation Agreement based on lessons learned and feedback received from participating entities and forwards those recommendations to the Executive Committee for consideration and approval of any revisions to this Implementation Agreement.

The second function is to develop a SNPLMA and FLTFA Preliminary Recommendation for consideration by the Executive Committee. The Preliminary Recommendation includes:

- Developing a prioritized list of lands or interests in lands for acquisition within Nevada under the SNPLMA and FLTFA, including the recommended funding source. When the Ivanpah airport revenues become available after approval for construction of the airport, the National Park Service will independently develop a prioritized list of lands or interests in lands for acquisition within the Mojave National Preserve in California for inclusion in the Preliminary Recommendation.
- Reviewing and incorporating recommendations from the sub-groups for the Capital Improvement, Clark County MSHCP, Conservation Initiative, and Park, Trail and Natural Area categories into the Preliminary Recommendation; and
- Developing a proposed budget for each project category based upon revenue projections.

The Partners Working Group also makes decisions on project modifications based on thresholds established herein, and coordinates the implementation of the Secretaries' decisions. The Working Group functions under Operating Guidelines which outline process and procedures for carrying out its responsibilities, making and documenting decisions, membership, etc.

C. SNPLMA/FLTFA Subgroups

Subgroups are structured around the categories of allowable expenditures of the Special Accounts. The applicable Special Account for each subgroup is shown in parentheses at the end of each heading. The subgroups apply the criteria and ranking systems established in the Implementation Agreement. Subgroups also develop recommendations for revisions to ranking criteria and ranking factors. Each subgroup develops and forwards a recommendation regarding nominations submitted in each round of SNPLMA to the Partners Working Group. Each subgroup functions under a set of Operating Guidelines which outline processes and procedures for carrying out its responsibilities, making and documenting decisions, membership, etc. Subgroup members representing organizations eligible to receive SNPLMA funds for projects shall not be the same individual who sits on the Partners Working Group. The State of Nevada and Nevada Rural Representative may sit on both a subgroup and the Partners Working Group.

Capital Improvements Subgroup (SNPLMA)

The Capital Improvements Subgroup applies the criteria listed in Appendix D to evaluate, score, and rank proposals and forward recommendations to the Partners Working Group related to capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Red Rock Canyon National Conservation Area and other areas administered by the BLM in Clark and Lincoln Counties, and the Spring Mountain National Recreation Area. The membership of the Capital Improvements Subgroup consists a representative who has decision making and voting authority from each of the following organizations:

- Bureau of Land Management, Las Vegas Field Office (Clark County), Chair
- Bureau of Land Management, Ely Field Office (Lincoln County)
- National Park Service, Lake Mead National Recreational Area

- USDA Forest Service, Humboldt-Toiyabe National Forest
- U.S. Fish and Wildlife Service, Desert National Wildlife Refuge Complex
- Bureau of Reclamation, Lower Colorado Regional Office, (ex officio member)

Parks, Trails, and Natural Areas Subgroup (SNPLMA)

The Parks, Trails, and Natural Areas Subgroup applies the criteria listed in Appendix E to evaluate, score, and rank nominations for development of parks, trails, and natural areas in Clark and Lincoln Counties in each round of SNPLMA and forward recommendations to the Partners Working Group. All approved projects must be implemented pursuant to a cooperative agreement with the applicable local or regional governmental entity; the cooperative agreement must be in place and current for the entity to receive funding. The PTNA subgroup will elect one of its non-federal members to serve as the representative for all local/regional governmental entities on the Working Group. This subgroup is composed of a representative who has decision making and voting authority from each of the following organizations:

- Bureau of Land Management, Las Vegas Field Office (Clark County), Chair
- Bureau of Land Management, Ely Field Office (Lincoln County)
- National Park Service, Lake Mead National Recreational Area
- USDA Forest Service, Humboldt-Toiyabe National Forest
- U.S. Fish and Wildlife Service, Desert National Wildlife Refuge Complex
- Representative of Clark County
- Representative of the City of Las Vegas
- Representative of the City of North Las Vegas
- Representative of the City of Henderson
- Representative of Lincoln County
- Representative of the Southern Nevada Water Authority (SNWA)
- Representative of the Clark County Regional Flood Control District
- Representative of the Clark County Sanitation District (formerly referred to as the Clark County Water Reclamation District)

Clark County Multi-Species Habitat Conservation Plan (MSHCP) Development Subgroup (SNPLMA)

The Clark County MSHCP Desert Conservation Program Advisory Committee (DCP Advisory Committee) is a committee appointed by the Clark County Board of County Commissioners (BCC) to provide the BCC with recommendations regarding funding for the Desert Conservation Program. The DCP Advisory Committee has a membership of representatives from Federal, State and local governments, interest groups, and the public.

Because the DCP Advisory Committee includes representatives of the Federal land management agencies, the DCP Advisory Committee also serves as the Clark County MSHCP Subgroup using the criteria (Appendix F) from the *Memorandum of Agreement Regarding Adaptive Management and Implementation of the Clark County Multiple Species Habitat Conservation Plan* (Adaptive Management Agreement) and, acting formally through their appointing authority

(the BCC), forwards their recommendations for SNPLMA MSHCP development projects to the Partners Working Group.

Because the DCP Advisory Committee is also the subgroup which reviews the nomination package of proposed projects for this category, the due date for submitting the subgroup recommendation, as approved by the BCC, will be 45 days after the due date for the other nomination categories. On the MSHCP due date, the required number of nomination notebooks in the format prescribed by the SNPLMA Division shall be submitted in order to allow the MSHCP package to be forwarded to the Partners Working Group for review prior to their meeting to develop a Preliminary Recommendation for expenditure of SNPLMA funds. Although the forwarded nominations are approved for submittal by the BCC, the Partners Working Group is under no obligation to concur with the BCC or MSHCP Subgroup recommendation in developing its Preliminary Recommendation.

The administrative documents which control the cooperative effort with Clark County for expenditure of SNPLMA funds to carry out approved MSHCP development projects, are the cooperative assistance agreements executed with Clark County for each of the MSHCP projects that have been approved for SNPLMA funding by the Secretary of the Interior. These cooperative agreements require that Clark County take responsibility for overseeing and assuring satisfactory completion of projects funded by SNPLMA for development of the MSHCP. This requirement is included in the minimum criteria for proposed MSHCP development projects.

Conservation Initiatives Subgroup (SNPLMA)

The Conservation Initiatives Subgroup applies the criteria listed in Appendix G to evaluate, score, and rank proposals and forward recommendations to the Partners Working Group related to conservation initiatives on Federal land administered by the Department of the Interior or Department of Agriculture in Clark and Lincoln Counties. The Conservation Initiatives Subgroup is composed of a representative who has decision making and voting authority from each of the following organizations:

- Bureau of Land Management, Las Vegas Field Office (Clark County), Chair
- Bureau of Land Management, Ely Field Office (Lincoln County)
- National Park Service, Lake Mead National Recreational Area
- USDA Forest Service, Humboldt-Toiyabe National Forest
- U.S. Fish and Wildlife Service, Desert National Wildlife Refuge Complex
- Bureau of Reclamation, Lower Colorado Regional Office

Land Acquisition Subgroup (SNPLMA/FLTFA)

The Land Acquisition Subgroup applies criteria listed in Appendix C to evaluate, score, and rank land and interests in land proposed for acquisition by the United States and forward recommendations to the Partners Working Group. The Land Acquisition Subgroup is composed of a representative who has decision making and voting authority from each of the following organizations:

- Bureau of Land Management, Las Vegas Field Office (Chair)
- State of Nevada (appointed by the Governor)
- Rural Nevada (a member of NACO per decision of the Governor)
- National Park Service, Lake Mead National Recreational Area
- U.S. Fish and Wildlife Service, Desert National Wildlife Refuge Complex
- USDA Forest Service

D. Resource Advisory Councils

There are three Resource Advisory Councils (RACs) in Nevada: the Northeast Great Basin (NGB) RAC, the Sierra Front Northwest Great Basin (SFNGB) RAC, the Mojave Southern Great Basin (MOSO) RAC. These RACs are composed of citizen advisors appointed by the Secretary of the Interior and are designed to have a balance of interests represented. They are sanctioned under the Federal Advisory Committee Act. The RACs meet independently between 4 and 6 times a year and the NGB, SFNGB, and MOSO RACs have one joint meeting per year. RAC meetings are open public meetings with published agendas and open public comment periods.

The BLM will forward nomination and recommendation information to the three Nevada RACs through the RAC Chairs. BLM will provide program updates at meetings as requested in order to provide the RACs with the opportunity to offer advice on any aspect of the program. RACs may jointly or individually formulate recommendations regarding the properties proposed for acquisition within their area of jurisdiction. The BLM will participate in at least one RAC open meeting during the nomination and recommendation period in order to receive public comments in an open meeting forum.

There are also three RACs outside of Nevada which provide advice on specific areas of Nevada. The Northeastern California RAC covers those portions of Nevada administered by the Eagle Lake Field Office in Susanville, California and the Surprise Field Office in Cedarville, California. The Lower Snake River District RAC covers those portions of Nevada administered by the Jarbridge Field Office in Twin Falls, Idaho. Lastly, the California Desert District Advisory Council in California encompasses the area of Nevada in which the Mojave National Preserve is located. These RACs will receive nomination and recommendation information when there are nominations within the areas of Nevada that they cover.

Lake Tahoe Interagency, Intergovernmental, and Private/Public Organizational Units

A. The Tahoe Regional Executive Committee

The existing Tahoe Regional Executive Committee (TREX), established pursuant to Executive Order 13057, dated July 26, 1997, serves as the advisory body for reviewing and determining the priorities for the recommendations for Lake Tahoe. The TREX transmits their Final Recommendations for Lake Tahoe expenditures from the SNPLMA Special Account to the SNPLMA Executive Committee. The TREX is composed of each agency's Regional Director or Manager as listed below:

- USDA Forest Service
- USDA Natural Resources Conservation Service
- Environmental Protection Agency
- U.S. Department of Transportation
- U.S. Geological Survey
- U.S. Army Corps of Engineers
- Bureau of Reclamation
- Bureau of Land Management
- U.S. Fish & Wildlife Service

B. The Tahoe Working Group

The Lake Tahoe Federal Advisory Committee (LTFAC) has established a Tahoe Working Group (TWG), which includes the members of the Lake Tahoe Basin Executive Committee (LTBEC), for the purpose of receiving nominated projects and developing a Preliminary Recommendation for Lake Tahoe. The TWG is composed of one representative each from the following:

- U.S. Department of Agriculture, Forest Service
- U.S. Department of Agriculture, Natural Resources Conservation Service
- U.S. Department of Interior, Bureau of Reclamation
- U.S. Department of Interior, Fish & Wildlife Service
- U.S. Department of Interior, Geological Survey
- U.S. Department of Transportation, Federal Highway Administration
- U.S. Department of Defense, Army Corps of Engineers
- U.S. Environmental Protection Agency
- California Tahoe Conservancy
- Nevada Division of State Lands
- Tahoe Regional Planning Agency (TRPA)
- Science and research
- California local government
- Nevada local government
- Washoe Tribe
- Business representative
- Environmental representative
- Transportation representative

C. Lake Tahoe Federal Advisory Committee

The existing Lake Tahoe Federal Advisory Committee (LTFAC) Charter was renewed primarily for the purpose of reviewing the Priority List under the Lake Tahoe Restoration Act, and to assist in developing the Recommendations for Lake Tahoe by the Tahoe Regional Executive Committee (TREX) under the SNPLMA. The renewed LTFAC shall consist of the following representatives:

- Gaming industry

- Local environmental*
- National environmental
- Ski resorts
- North Shore economic/recreation
- South Shore economic/recreation*
- Resort Associations
- Education
- Property rights advocates
- Science and research*
- California local government*
- Nevada local government*
- Washoe Tribe*
- State of California*
- State of Nevada*
- Tahoe Regional Planning Agency*
- Labor
- Transportation*
- Two at-large members

(* Denotes a member of the Tahoe Working Group)

D. Lake Tahoe Science Consortium

The Tahoe Science Consortium (TSC) provide environmental managers and decision makers with comprehensive and well-synthesized scientific findings drawn from research, monitoring and modeling. The TSC Memorandum of Understanding, signed on August 20, 2005 by research institutions and management agencies, defines the role of the TSC and commits the signatories to its development.

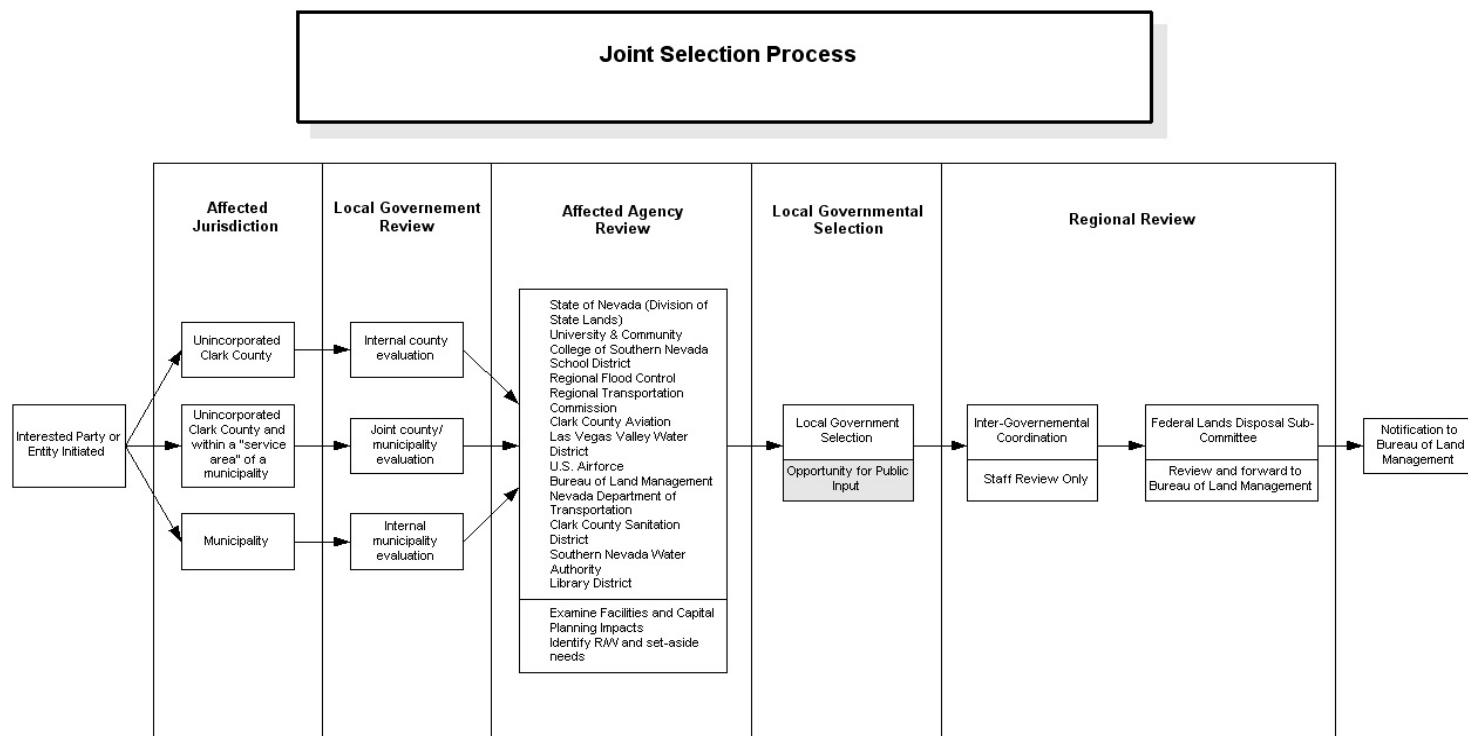
TSC Responsibility for Science, Research and Monitoring. To effectively inform restoration activities within the Lake Tahoe Basin as part of an adaptive management approach, the research community must be able to report on the effectiveness of previously implemented restoration projects based on available data and articulate and prioritize research needs through the development and maintenance of a long-term research and monitoring plan. This work will be accomplished yearly through a Lake Tahoe project approved by the Secretary. It is recommended that the TSC work with the TWG for the purposes of implementing the SNPLMA process and projects.

IV. JOINT SELECTION OF PARCELS FOR SALE WITHIN THE SNPLMA DISPOSAL BOUNDARY

Any party interested in acquiring BLM land within the SNPLMA disposal boundary may nominate land for disposal to the affected local governmental entity. The interested party contacts Clark County or incorporated municipalities within Clark County with a description of the land they wish to have offered at a future competitive land auction. The affected local

government will conduct an internal review of the nominated parcels. In some instances, a joint County and municipality review will be conducted if the parcel is located within unincorporated Clark County but within the “service area” of a municipality. The review is intended to identify whether or not the nominated parcels have been reserved or need to be reserved by the local government for public purposes. In some cases, the review also determines whether or not the local governmental entity is prepared for development of the parcel at that time. Following the internal review process, nominated parcels go through a “Joint Selection Process,” (see Figure 2 below) during which affected public agencies review the nominated lands for impacts on services, facilities and capital planning as well as identify right of way and set-aside needs that would be associated with development of the parcels subsequent to sale. Following joint selection, local governments finalize their selection of lands to be offered for sale during a process which includes an opportunity for public input. A regional review then takes place which includes inter-governmental coordination and review at the staff level and a Federal Lands Disposal Sub-Committee prepares the final list for submittal to BLM.

Local governments must submit nomination to BLM of lands to be offered for sale one year in advance of the estimated date of the competitive sale in which the lands are expected to be offered. The BLM will make the final determination on which lands can be offered for sale based on a review of cultural and threatened and endangered species regulations, existing prior rights, hazmat issues, etc. BLM will make every effort to offer for sale all lands nominated by the local governments which meet the requirements for sale under SNPLMA and otherwise can be legally disposed of according to Federal laws and regulations.



V. SNPLMA/FLTFA RECOMMENDATION DEVELOPMENT PROCESS

The Recommendation Development Process explains the steps involved in assembling a recommendation for the Secretaries as to how the revenue in the Special Accounts would be spent with approval. This process includes the organizational entities described in Section III and provides several opportunities for Federal, State or local governmental entities or other interested parties to participate. Figure 2 depicts the SNPLMA process and typical duration of the various stages of the process. Each step in the process is then described in more detail. The Executive Committee will determine when to open the next round. The Lake Tahoe Recommendation Process is separate but generally parallel to the SNPLMA process and is described in section VI of this document.

Nomination Period

The timing and duration of the nomination period for each round will be established by the Executive Committee. During the nomination period, eligible entities may prepare nomination packages according to the published nomination package requirements for submittal to the SNPLMA Division by the close of the nomination period.

Project nominations must meet eligibility requirements in terms of both entity and location. The eligible entities for each project category are identified below. Eligible locations are also discussed. Where an eligible location is a specific facility/area, the project must be conducted only on land that is officially part of that facility/area. Such facilities/areas may have internal boundary areas resulting from in-holdings which are either privately or publicly owned and not officially part of the facility/area. Eligible Federal agencies shall, if necessary, refer to originating legislation and amendments to determine whether facilities within eligible areas are located on land that is official part of the eligible area, or an in-holding. Eligible entities may not “sponsor” projects for other entities. Eligible entities remain responsible for carrying out all projects including management of project funds and demonstrated results. Special considerations regarding these restrictions are discussed under each category below.

A. Nomination for Acquisition of Environmentally Sensitive Land or Interests in Land

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service and USDA Forest Service may receive funding for acquisition of environmentally sensitive lands and interests in land. Any entity or interested party may nominate land and/or interest in land (such as conservation easements, water rights, mineral rights, etc.) for acquisition provided the nomination includes a willing seller letter signed by the owner of record and a statement from the acquiring eligible agency supporting the nomination. The format for the willing seller letter and agency statement will be provided in the nomination package requirements.

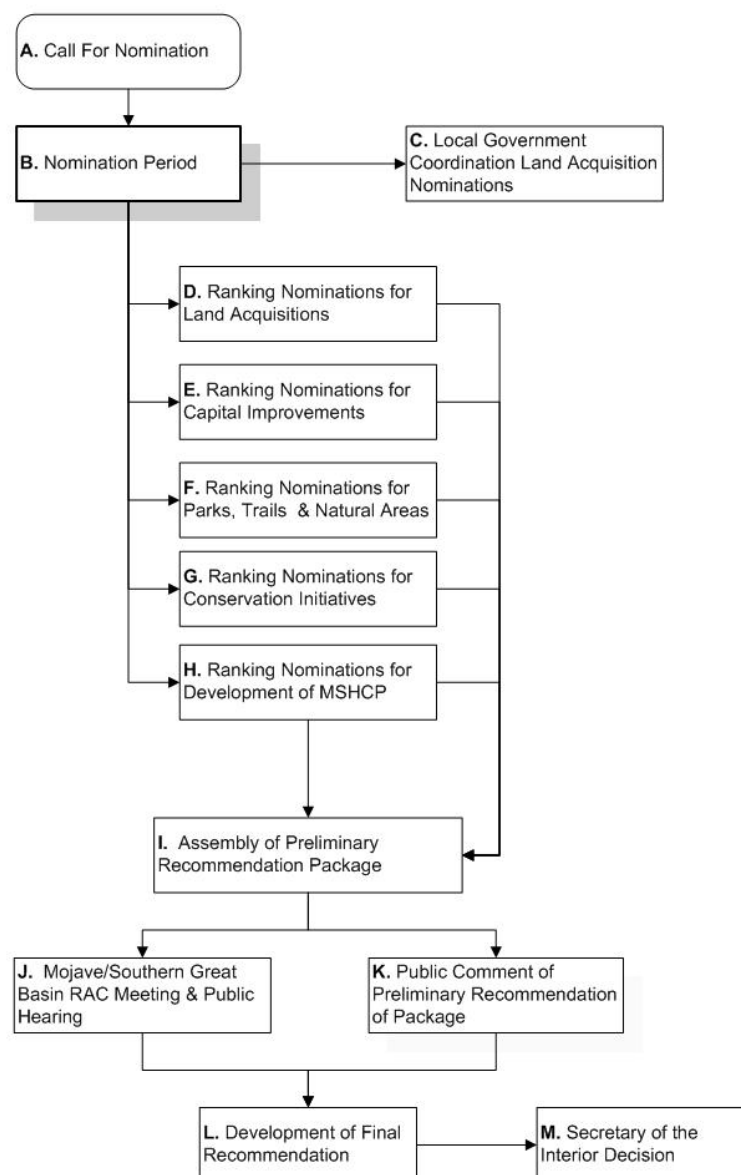
Nomination of Conservation Easements as an Interest in Environmentally Sensitive Land.

Unless there are existing easements on similar properties that are considered applicable to the nominated property, no definitive terms and conditions for the proposed easement will be available for inclusion in the nomination. As the negotiation and development of a pro forma

FIGURE 2

**Process Flow Chart
Allocation of the Special Reserve**

Note: Bold/Shaded boxes indicate opportunities for the State of Nevada, local government, and interested parties to participate



easement is a major component of the processing acquisition of an easement, these actions should not be completed prior to approval of the nomination. Therefore, at the time of nomination, the easement must be described in conceptual terms. The nomination shall address the anticipated conservation easement in terms of:

- The resources to be protected,
- The primary rights to be acquired by the Federal agency,
- Protective actions to be granted to the Federal agency,
- The uses the landowner wishes to continue,
- The restrictions to be placed on the landowner,
- Geographic boundaries of the proposed easement,
- Responses to nomination assessment questions are to explain how the easement relates to the subject of the question (e.g., how the described resources are expected to be protected by the easement, how then easement will enhance or otherwise impact management of Federal lands, etc.), and
- Expected term of the easement (e.g., in perpetuity or specified number of years).

However, the agency and owner should not be limited by this initial description of the easement if it is determined during processing that additional restrictions are necessary to fulfill the purpose of the easement. The landowner's statement should include an acknowledgment that additional terms may be necessary for the easement to be acceptable to the acquiring agency.

In responding to nomination assessment question, the nominating entity should specifically address how the conservation easement applies or does not apply to each assessment question. For example, discussions of resource values should explain how the conservation easement is expected to protect those resource values. Each property having different owners should be a separate nomination, not grouped together.

Because of the need to establish the baseline conditions and the expected long-term costs and workload of monitoring and managing an easement, these costs should be addressed in the Acquiring Agency's Statement for conservation easements

B. Nomination of Capital Improvement Projects

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service and USDA Forest Service may receive funding for Capital Improvement projects. BLM projects must be at the Red Rock Canyon National Conservation Area or other areas administered by the BLM in Clark and Lincoln Counties. NPS projects must be at the Lake Mead National Recreation Area (LMNRA). FS projects must be carried out at the Spring Mountains National Recreation Area. FWS projects must be carried out at the Desert National Wildlife Refuge [Complex]. NPS, FS, and FWS projects cannot be conducted on private or public in-holdings within the boundary of the eligible area which are not officially part of the eligible area. Only these four Federal land management agencies may submit nominations and receive funds for capital improvements.

Beginning in Round 7, nominations for project construction where LEED standards exist, should address those standards for the project, and the cost analysis and feasibility of constructing the project to meet those LEED standards.

C. Nomination of Park Trail and Natural Area Projects

Units of local government (Clark County, the City of Las Vegas, the City of North Las Vegas, the City of Henderson, and Lincoln County) as well as regional government entities (Southern Nevada Water Authority, the Regional Flood Control District or the Clark County Sanitation District formerly referred to as the Clark County Water Reclamation District) may receive funding for PTNA projects pursuant to a Cooperative Agreement with BLM as required in the SNPLMA. Only the eligible entities may submit nominations for PTNA projects. Local and regional governmental entities will as part of their planning process consult with BLM prior to submitting a nomination regarding impacts of proposed projects on Federal lands and any application approvals which will be required for the project (e.g., R&PP leases, NEPA, Section 106 consultations, etc.).

Eligible entities may not nominate PTNA projects on land owned by the State of Nevada or other entities. Local and regional governmental entities may nominate projects on land leased to the State of Nevada or other not-for-profit/non-profit entities for management purposes so long as the following criteria are met: (a) the local/regional governmental entity maintains full title and ownership of the land on which the project will be constructed; (b) the local/regional governmental entity will maintain ownership of the facilities constructed using SNPLMA funds, (c) the local/regional governmental entity maintains ultimate responsibility to ensure proper maintenance and operation of SNPLMA funded projects/facilities.

D. Nomination of MSHCP Projects

Clark County, BLM, NPS, FWS, and FS are eligible for funding for MSHCP development projects. Only these eligible entities may submit nominations in this category. Clark County may accept nomination proposals from other entities, but, in these cases, Clark County remains the official nominating entity and eligible recipient for approved funds.

E. Nomination of Conservation Initiative Projects

The BLM, NPS, FWS, FS and BOR are eligible for funding for Conservation Initiative projects on Federal land in Clark and Lincoln Counties administered by the Department of the Interior and Department of Agriculture. Only these eligible entities may submit nominations for conservation initiatives.

Beginning with Round 7, nominations for conservation initiative projects shall discuss the methods and techniques the agency(ies) plan to use to disseminate the results of the proposed project including survey results, educational and research formats, data, processes, etc., to other federal and non-federal entities within Nevada and elsewhere.

SNPLMA Nominations—General Requirements

Nominations for all categories except Lake Tahoe Restoration Projects must be submitted to the SNPLMA Division, BLM Las Vegas Field Office by the due date specified during each nomination round. Late packages will not be accepted. Nomination packages must meet minimum requirements, as well as include all information and documentation identified in the applicable “nomination package requirements” published by the SNPLMA Division for each round. The SNPLMA Division will review the nomination packages for completeness. Time permitting, nominators will be notified regarding incomplete packages and given an opportunity to supply missing information. Packages that remain incomplete will not be accepted.

Agencies/entities should develop project cost estimates which take into account cost escalations between the time the project is nominated and when it is implemented.

Entities nominating environmentally sensitive lands for acquisition are required to provide advance notice to the affected local jurisdictions of their intent to nominate, including a description of the resources, number of acres, location, and other relevant information. This notification begins the process of consultation and is meant to satisfy, in part, the consultation requirement in the SNPLMA, which states that:

“Before initiating efforts to acquire land...the Secretary [of the Interior] or the Secretary of Agriculture shall consult with the State of Nevada and with local governments within whose jurisdiction the lands are located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition.”

This opportunity is also meant to satisfy, in part, the consultation requirement in the FLTFA MOU, which states that:

"The acquiring agency shall coordinate potential purchases with State and local governments, Tribes, landowners, and other interested parties in order to ensure that each party is informed in a timely manner and afforded an opportunity to comment before a final decision to acquire a property or an interest therein occurs."

Copies of the completed land acquisition nomination packages are to be forwarded to the affected local governments by the proposed acquiring agency as soon as possible, but no later than 30 days after the close of the nomination period.

Complete packages accepted for Capital Improvements; Park, Trail and Natural Areas; Conservation Initiatives, and Land Acquisitions are forwarded to the respective sub-group for review and ranking based on the applicable criteria. Executive summaries of the nominated projects and a table listing all projects with funding requested will be made available on the SNPLMA website prior to the Partners Working Group meeting to develop the preliminary recommendation. A formal public review and comment period will be conducted to obtain public and local and State government comments on the Preliminary Recommendation.

However, all interested parties may, if they wish, submit comments from the time the information is placed on the SNPLMA web site through the end of the formal public comment period.

Ranking Nominations

A. Ranking Nominations for Acquisition of Land and/or Interests in Land

The Land Acquisition Subgroup will apply the criteria in this Implementation Agreement (Appendix C) to score and rank nominations for acquisition of land and/or interest in land, determine the eligibility of the nominations for funding under each Act, and make recommendations as to the most appropriate funding source(s) for each nomination. Funding for a nomination may be considered from one or both of the Special Accounts, as applicable.

B. Ranking Nominations for Capital Improvements

The Capital Improvements Subgroup will apply the criteria in this Implementation Agreement (Appendix D) to screen and rank proposals for capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Red Rock Canyon National Conservation Area and other areas administered by the BLM in Clark and Lincoln Counties, and the Spring Mountain National Recreation Area. The Subgroup shall submit a recommendation to the Partners Working Group. The recommendation shall include all projects regardless of ranking but may be separated into a list of projects recommended for funding and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners Working Group will review the subgroup's recommendations and rationale during the development of their Preliminary Recommendation to the Executive Committee.

C. Ranking Nominations for Parks, Trails, and Natural Areas

The Parks, Trails, and Natural Areas Subgroup will apply the criteria in the Implementation Agreement (Appendix E) to screen proposals and forward recommendations to the Partners Working Group related to the development of parks, trails, and natural areas in Clark and Lincoln Counties pursuant to a cooperative agreement with a unit of local and/or regional governmental entity. The subgroup's recommendation shall include all projects regardless of ranking and may be separated into a list of projects recommended for funding, and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners Working Group will review the subgroup's recommendations and rationale during the development of their Preliminary Recommendation to the Executive Committee.

D. Ranking Nominations for Development of Multi-Species Habitat Conservation Plans

As the MSHCP Subgroup, the Clark County MSHCP Advisory Committee will assemble a recommendation of MSHCP Projects in priority order using the criteria and requirements listed in Appendix F. The subgroup's recommendation shall include all projects regardless of ranking and may be separated into a list of projects recommended for funding, and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners

Working Group will review the Subgroups' recommendations and rationale during the development of their Preliminary Recommendations to the Executive Committee.

E. Ranking Nominations for Conservation Initiatives

The Conservation Initiatives Subgroup will apply the criteria in the Implementation Agreement (Appendix G) to screen and rank proposals for conservation initiatives on Federal land in Clark and Lincoln Counties, Nevada, administered by the Department of the Interior or the Department of Agriculture. The subgroup's recommendation shall include all projects regardless of ranking and may be separated into a list of projects recommended for funding, and a separate list of any projects, along with the rationale, which are not being recommended for funding. The Partners Working Group will review the Subgroups' recommendations and rationale during the development of their Preliminary Recommendations to the Executive Committee.

Assembling SNPLMA and FLTFA Preliminary Recommendation Package

The Partners Working Group will develop a Preliminary Recommendation package for the Executive Committee that includes, but is not limited to: 1) funding levels for all of the SNPLMA and FLTFA expenditure categories, taking into account the projected balances of the Special Accounts; 2) a recommendation for a prioritized list of land acquisition projects submitted from the Land Acquisition Subgroup and recommended funding source(s) for each property, explaining any modifications from the subgroup recommendation; and 3) a recommendation for prioritized lists of projects submitted from each Subgroup for Capital Improvements; Parks, Trails, and Natural Areas; MSHCP Development, and Conservation Initiatives explaining any modifications from the subgroup recommendation. Each category in the Preliminary Recommendation Package may be divided into those projects which are recommended for funding, those recommended with certain conditions, those not recommended, and those which are deemed not to qualify under a given category. Project nominations which are withdrawn, for whatever reason, by the nominating entity prior to development of the Preliminary Recommendation Package will not be addressed in the recommendation package or forwarded to the Executive Committee.

Public Review of the SNPLMA/FLTFA Preliminary Recommendation Package

The Preliminary Recommendation is made public for a 30- to 60-day comment period. It is also sent to the eligible Federal agencies, local/regional governmental entities, State, and affected Counties in Nevada. This opportunity for comment is meant to satisfy, in part, the requirement in the SNPLMA that:

“The Secretary [of the Interior] shall coordinate the use of the special account [SNPLMA Special Account] with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results.”

This opportunity is also meant to satisfy the consultation requirement in the FLTFA MOU, which states that:

"The acquiring agency shall coordinate potential purchases with State and local governments, Tribes, landowners, and other interested parties in order to ensure that each party is informed in a timely manner and afforded an opportunity to comment before a final decision to acquire a property or an interest therein occurs."

Development of SNPLMA Final Recommendation and Nevada FLTFA Final Recommendation

A. SNPLMA Final Recommendation

The Executive Committee considers the recommendations of the Partners Working Group and the comments received during up through the end of the public comment period and assembles a SNPLMA Final Recommendation and a Nevada FLTFA Recommendation. In developing the Final Recommendation, the Executive Committee has the authority to make changes from what was included in the Preliminary Recommendation such as altering the priority order and adding or deleting nominated projects or acquisitions based on information and circumstances not reflected in the funding criteria, and adjusting funding recommendations. The SNPLMA Final Recommendation specifies the lands and/or interests in land recommended for acquisition and the projects recommended for funding under the other expenditure categories pursuant to the SNPLMA. The Nevada FLTFA Recommendation specifies the lands and/or interests in land recommended for acquisition under the FLTFA. Both recommendations provide a maximum budget for each category based upon the estimated costs of allowable expenses and projected revenues.

Because the allocation of funds is based on estimated costs, it is expected that actual costs will vary. In order to ensure that funds are available to complete projects, the recommended budget for each category, with the exception of land acquisitions, will also include a percentage contingency amount per project. Approval to allow a percentage contingency for land acquisitions will also be requested, but that amount will not be included in the land acquisition budget because the funds needed to cover the contingency for lands is expected to be made up from acquisitions that are terminated or purchased at less than the estimated cost.

In addition, the recommendation may include a provision that Lake Tahoe Restoration projects, MSHCP development projects, and Conservation Initiatives be funded, in that order, before revenues are distributed among the remaining expenditure categories. The final recommendation may include any special line-item funding requests, including funds for a Special Account Reserve and Pre-Proposal Planning reserve. Instances in which funding for an acquisition is recommended from both the SNPLMA and FLTFA Special Accounts will be noted. The Nevada FLTFA Recommendation for acquisitions under the FLTFA is transmitted separately to the Land Transaction Facilitation Council. The SNPLMA Final Recommendation for the acquisition and project categories pursuant to the SNPLMA are transmitted to the Secretary of the Interior through the Office of the BLM Director. The SNPLMA Final Recommendation is transmitted to the Secretary of Agriculture by the USDA Forest Service Executive Committee member.

The Final Recommendation will not be made public because it is subject to change by the Secretary of the Interior who has the ultimate authority to make all decisions regarding

expenditure of funds from the Special Account. Following Secretarial decision, the approved projects will be posted on the SNPLMA website.

B. Final FLTFA Recommendation

The Land Transaction Facilitation Council considers the Nevada FLTFA Recommendation of the Executive Committee for FLTFA acquisitions and assembles a Final FLTFA Recommendation. The Final FLTFA Recommendation specifies the land and/or interest in land recommended for acquisition under the FLTFA in all states. The Final FLTFA Recommendation is transmitted by the Council to the Secretary of the Interior and the Secretary of Agriculture.

Secretarial Review and Approval

The Secretary of the Interior, in consultation with the Secretary of Agriculture, makes the final decision regarding expenditures under the SNPLMA and has the authority to make any changes to the final recommendation. The Secretary of the Interior and the Secretary of Agriculture jointly make the final decision regarding expenditures under the FLTFA. The Secretaries' decisions consist of a list, in priority order, of acquisitions and projects for each category of allowable expenditure and a budget figure for each category under each Act. Any unspent balance will remain available within the respective project category.

VI. LAKE TAHOE RECOMMENDATION DEVELOPMENT PROCESS

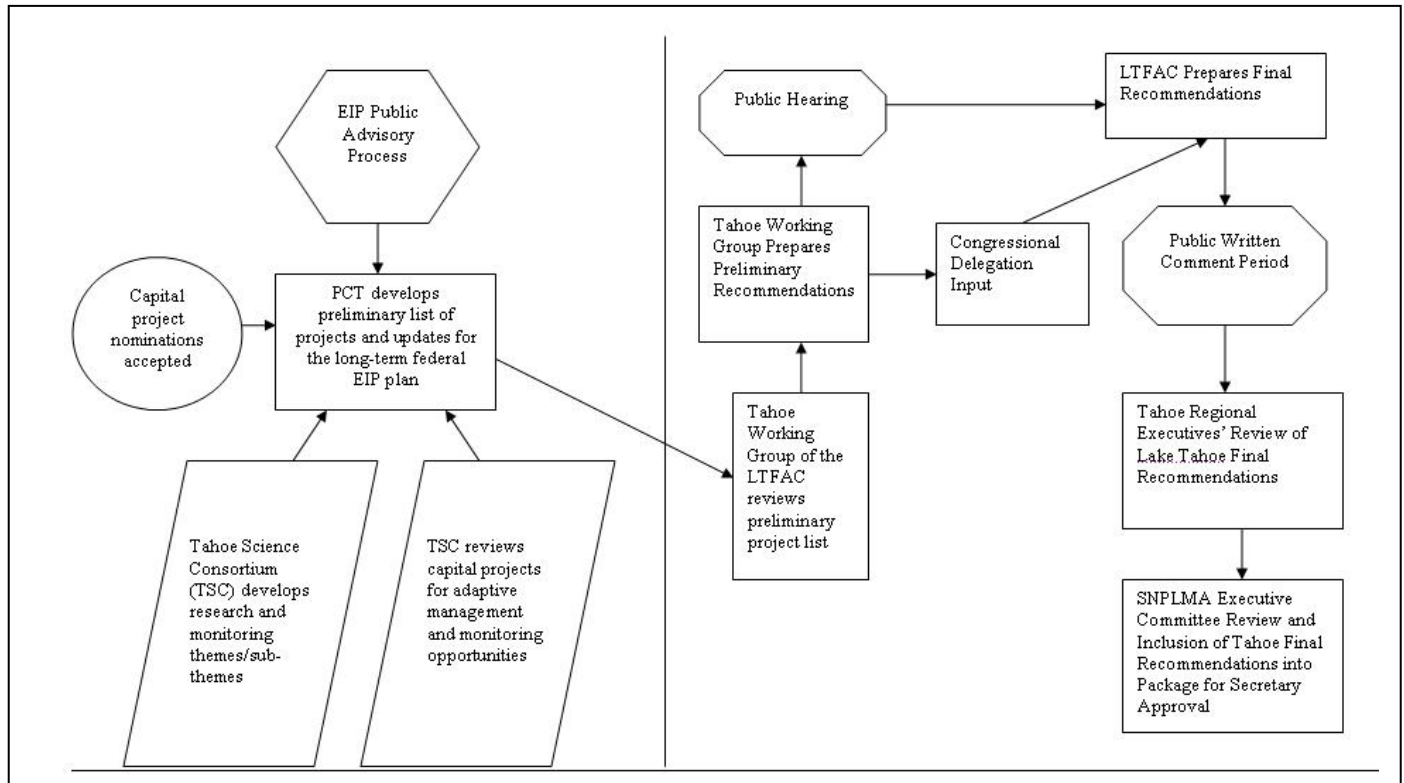
Lake Tahoe Restoration Projects may be nominated by any entity but projects must be vetted through the Partnership Coordination Team (PCT) (described below) and must be the responsibility of the Federal government in the Tahoe Environmental Improvement Program (which projects may be part of a larger project that involves non-Federal entities) and have a willing and ready Federal sponsor. The process for submitting and reviewing Lake Tahoe Restoration projects is separate and distinct, but generally parallel to the SNPLMA process (see Figure 3 below).

Nomination of Lake Tahoe Restoration Projects

The Lake Tahoe nomination process is parallel to, but separate from, the SNPLMA nomination process. The timeframe for the Lake Tahoe nomination process will generally coincide with the SNPLMA nomination process such that the Lake Tahoe Final Recommendation is submitted with adequate time for the SNPLMA Executive Committee consideration and inclusion in to the SNPLMA Final Recommendation, which is transmitted to the Secretary for approval. If the SNPLMA schedule for a round of nominations is not compatible with the Lake Tahoe annual nomination and recommendation schedule, the Executive Committee may elect to accept a TREX Final Recommendation and submit it separately from the next SNPLMA Final Recommendation provided sufficient additional SNPLMA revenue is projected to fund the Tahoe projects.

The Tahoe Working Group (TWG) receives nominated projects and will consider projects that have been vetted through the Partnership Coordination Team (PCT), which consists of

FIGURE 3: Lake Tahoe SNPLMA Project Recommendation Flow Chart



representatives from federal agencies that implement EIP projects and the TRPA. The PCT is responsible for providing TWG with a prioritized schedule of projects to facilitate a rational and informed selection process. The minimum standards for nominated projects for Lake Tahoe considered by the TWG are that the projects (1) are responsibilities of the federal government in the EIP (which may be part of a larger project that involves non-federal agencies), and (2) have a willing and ready federal sponsor that confirms that a project has been programmed through the PCT. The USDA Forest Service submits its agency's projects to the PCT from the Priority List required under the Lake Tahoe Restoration Act.

A. Tahoe Capital Projects

Nominated projects must have all required documentation as outlined in the Nomination Package Information for Lake Tahoe Restoration Projects provided in Appendix I and any additional information requested in the annual request for project proposals.

B. Tahoe Science Projects

The Tahoe Working Group will request the Tahoe Science Consortium provide a proposed list of research and monitoring resource areas and sub-categories to the PCT for incorporation in to the preliminary list developed by the PCT. The proposed TSC resource areas list will include input from management agencies prior to submittal to the PCT. Resource areas could include but are

not limited to water quality, air quality and forest health.

The proposed TSC resource areas list will include sub-categories with enough detail for the sponsoring agency to develop the interagency order with BLM, funding level for each effort, recipient Federal Agency to administer the RFP and associated grant or contract or administer the project if the Federal Agency will be implementing the project. These individual RFP-sized projects will be a paragraph to page in length description by sub-category so the TWG can develop the recommended list of projects to forward to the LTFAC.

Once the Secretary of the Interior has approved the list of Lake Tahoe capital projects and science resource areas, the recipient Federal Agency will issue a request for proposal or quotation (RFP/RFQ), pursuant to the individual agency competition and contracting requirements, to solicit approaches and to conduct the effort described in the sub-category project description. These RFPs/RFQs will be peer reviewed prior to selection of grantee/contractor. If the recipient agency intends to directly implement the sub-category projects, those project descriptions will be subject to a peer review process run by the TSC prior to implementation by the Federal Agency.

Ranking Nominations for Lake Tahoe Restoration Projects

The Tahoe Working Group (TWG) will consider nominated projects based primarily on the general guidance set forth in the Environmental Improvement Program (EIP), and further guided, as needed, by the following considerations:

1. Timing
 - a. Urgency for action
 - b. Readiness
2. Fiscal Considerations
 - a. Comparative cost/benefit analysis
 - b. Level of nonfederal contribution and partnership in funding, design, construction, operation, and maintenance (applicable only for partnership type projects that involve leveraging funds between agencies)
 - c. Funding and operational capacity to operate/maintain desired improvement
3. Support
 - a. Breadth and depth of support from federal, state, local stakeholders
 - b. Capacity and authority of implementing agency to perform (including operation and maintenance)
4. Science and Research Considerations (i.e. Adaptive Management)
 - a. Anticipated environmental threshold benefits of the proposed projects
 - b. Likelihood of contributing to achievement of environmental thresholds
 - c. Anticipated impacts of the proposed projects on environmental improvements
 - d. Certainty of the impacts of the proposed projects
 - e. Risk to the environment from unintended impacts or failure of the proposed projects
 - f. Applicability of project monitoring to adaptive management guidelines

The TSC will identify research and monitoring resource areas and sub-categories that will

directly contribute to the understanding of the effectiveness of environmental restoration activities. This information will be forwarded to the PCT for inclusion in the Preliminary Recommendation Package.

Assembling Lake Tahoe Restoration Projects Preliminary Recommendation

The TWG prepares the Preliminary Recommendation for Lake Tahoe, which includes all of the recommended projects, costs estimates and allowable expenses, and funding levels for the Lake Tahoe expenditure categories, taking into account the projected balance of the SNPLMA Special Account. The Preliminary Recommendation includes one list of the primary projects (Primary Category) that total the amount of funding being requested in a given round on a per project basis, and a second category (Secondary Category) of projects.

Of the amount recommended for approval for Lake Tahoe, a general guideline of approximately 10% of the overall funding for Lake Tahoe projects in a given round will be directed towards monitoring and analysis of the effectiveness of restoration projects and attainment of environmental threshold standards. The amount of funding necessary for monitoring and analysis may vary from year to year, dependent upon the current state of the science within the Tahoe Basin and the types of proposed projects. Of the amount recommended for approval for Lake Tahoe, funds for each project may be reserved as contingency funding for unexpected project cost overruns.

Public Review of Preliminary Recommendation for Lake Tahoe Restoration Projects

The Tahoe Working Group or the Lake Tahoe Federal Advisory Committee (LTFAC) shall conduct a public hearing to review the Preliminary Recommendation Package. In addition, the LTFAC shall provide the Preliminary Recommendation to the congressional delegation for input prior to the preparation of the Final Recommendation for Lake Tahoe

Lake Tahoe Restoration Projects Final Recommendation Development and Public Review

A. Development of Lake Tahoe Final Recommendation.

The LTFAC will request that administrative staff with the Forest Service (see below) prepare the Final Recommendation for Lake Tahoe for its review based on the Preliminary Recommendation, minutes of the public hearing, and input from the congressional delegation. The LTFAC role is to incorporate the input that is received regarding the nominated projects along with its own views, and to reconcile the nominated projects with the available funding. The LTFAC will also be responsible for assuring that the projects included in the Lake Tahoe Restoration Projects Recommendation maximize the use of all available funding prior to recommending SNPLMA funds being used. For example, the acquisition of environmentally sensitive land should come, first, from other sources, such as Section 4 of SNPLMA, Santini-Burton, and the Land and Water Conservation Fund, whenever possible.

The Final Recommendation shall specify a certain total funding amount derived from a per project basis for the Lake Tahoe projects included in the Primary Category. The Final

Recommendation shall allow for the flexibility to replace projects from the Secondary to Primary Category for Lake Tahoe Restoration Projects based on available funding approved by the Secretary, subject to the following guidelines. All projects that are funded shall come first from the Primary Category and then, if funds are available, to projects in the Secondary Category. A project from the Secondary Category may be funded only if a project from the Primary Category becomes infeasible or if actual costs of such a project are lower than estimated costs, and if the TWG determines that all other projects in the Primary Category are adequately funded. The TWG shall prioritize projects in the Secondary Category so that, if funds are available for such projects, the project with the highest priority for the amount of funding that becomes available shall be implemented. Conversely, if the Secretary approves funding that is less than the total amount of the Primary Category, the TWG will determine which project(s) shall be moved from the Primary Category to the Secondary Category.

The anticipated amount for funding recommendations from the SNPLMA Special Account for the Lake Tahoe Restoration Projects is expected to be approximately \$37.5 million annually until the amount allocated in accordance with section 342 of P.L. 108-108 is expended. In allocating each round of funding among Federal agencies for Lake Tahoe, if available, the Forest Service receives a minimum allocation of \$20 million, which includes any congressional earmarks, but would be in addition to fund allocations for Santini-Burton land acquisition and erosion control purposes to other Federal agencies.

B. Public Review of Lake Tahoe Final Recommendation.

The Final Recommendation for Lake Tahoe will be subject to a 30-day public written comment period prior to its consideration by the Tahoe Regional Executive Committee (TREX). This comment period may be conducted over the Internet, but the Lake Tahoe Basin Executive Committee (LTBEC) who are members of the Tahoe Working Group will provide a summary of the comments to the TREX along with their Final Recommendation for Lake Tahoe.

C. Approval of Lake Tahoe Final Recommendation for Submittal Through SNPLMA Executive Committee.

The TREX will review their Final Recommendation for Lake Tahoe and the written comments before it is sent to the Executive Committee for its consideration and inclusion in the SNPLMA Final Recommendation that is transmitted to the Secretary for approval. If the SNPLMA schedule for a round of nominations is not compatible with the Lake Tahoe annual nomination and recommendation schedule, the Executive Committee may elect to accept a TREX Final Recommendation separately from the next SNPLMA Final Recommendation. Such separate TREX Final Recommendation would be submitted to the Secretary of the Interior for approval of use of SNPLMA funds. Acceptance and submittal of a TREX Final Recommendation separately from a SNPLMA Final Recommendation would occur only if sufficient funds over and above the amount required for already approved projects were projected to be available in the Special Account to fund the projects in the separate TREX Final Recommendation.

The Secretary of the Interior, in consultation with the Secretary of Agriculture, makes the final decision regarding expenditures under the SNPLMA. The Secretaries' decisions consist of a list,

in priority order, of projects and an approved budget figure for each project. The Lake Tahoe projects do not receive a contingency percentage in addition to the requested amount because contingencies are calculated into the cost estimate when projects are nominated. The Secretary of Interior's decision may, on a round by round basis, approve priority funding for Lake Tahoe projects and may also authorize the TREX to reallocate costs between projects under certain specific circumstances. The approval for each round should be reviewed to see whether or not these associated approvals were provided.

VII. 2005 SOLICITOR'S OPINION REGARDING INTERPRETATION OF SNPLMA

A February 25, 2005, Office of the Solicitor opinion regarding interpretation of the SNPLMA determined that funds in the SNPLMA and FLTFA Special Accounts are considered appropriated funds. Therefore, the fundamental appropriation doctrine of "Necessary Expense" will now govern payment of costs associated with projects and acquisitions approved by the Secretaries. For a cost to be considered a necessary expense of the project or acquisition it must meet three criteria:

1. The expenditure must "make a direct contribution to carrying out the appropriation" which in the case of SNPLMA and FLTFA are expenditures authorized by Congress in SNPLMA and FLTFA as reflected in the projects and acquisitions approved by the Secretary of the Interior and Secretary of Agriculture;
2. The expenditure must not be prohibited by law; and
3. The expenditure must not be covered by another more specific source of funding, i.e., the specific approved project or acquisition must not be provided for in another appropriation or statutory funding scheme.

Direct Versus Indirect Costs

The necessary expense doctrine does not differentiate between direct and indirect costs. Therefore the prior prohibition to requesting indirect costs no longer applies. Nonetheless, Federal agencies and local and regional governmental entities shall not seek, and the BLM will not pay, the agency/entity standard overhead percent based on the total project cost. However, project-related indirect costs for support services may be charged at a percent based on staff time spent on the project(s), provided these expenses meet the three criteria above. Examples of such indirect costs would be secretarial support, printing, copying, cost-center expenses, etc. (See Appendix B-9 for other examples of necessary expenses.) Federal agencies and local and regional governmental entities are solely responsible for seeking any waivers from their headquarters and resolving any issues internally regarding not being allowed to assess such generic overhead charges.

Authority of Executive Committee to Determine Allowable Expenses

The Solicitor's Opinion upheld the authority of the SNPLMA Executive Committee to determine which necessary expenses, regardless of whether they are direct or indirect costs, are "permissible" for payment from the SNPLMA Special Account. The Executive Committee has authorized certain specific necessary expenses and certain categories of "Other Necessary Expenses" (see Appendix B-1 to B-8 for estimated expense sheets and appendix B-9 for examples of "Other Necessary Expenses"). Disputes between any agency/entity and the SNPLMA Division over whether or not a requested expense is authorized will be resolved by the Executive Committee.

Payments from the Special Account

The Solicitor's Opinion also provided recommendations regarding payments from the SNPLMA and FLTFA special accounts to Federal agencies. The opinion advised that SNPLMA does not authorize "advance payments." Further, although the SNPLMA does not include a general authority to utilize reimbursement of funds, reimbursement may be utilized under the Economy Act if applicable. The Solicitor advised that the Executive Committee revise the SNPLMA Implementation Agreement to provide for payment of an Agency's necessary project expenses without use of the reimbursement mechanism and that "payments for approved projects should be made at logical stages in the life of a project while it is being implemented."

Project reimbursements/payments are made to the eligible agency/entity for which the projects were approved with one exception. That exception is payment for consultation with the Fish and Wildlife Service under the Endangered Species Act. This consultation is required for many projects across all project categories. Due to the extensive number of required consultations, funds for the Endangered Species Act consultation will be transferred directly to the FWS on a project-by-project basis following the transfer process below. The agencies/entities and FWS will identify those projects requiring such consultation and provide an estimate of the cost of the consultation as a separate line item on the Estimated Necessary Expense Form (Appendix B-1 to B-8), so that the SNPLMA Division can effect the transfer in a manner that allocates consultation costs to the appropriate projects.

VIII. SPECIAL ACCOUNT "1151" TRANSFER PROCESS FOR ALL PROJECT CATEGORIES

In April 2005, in response to the Solicitor's Opinion described above, the Director, Office of Budget, Department of the Interior (DOI), sent a memorandum to the Chief, Interior Branch, Office of Management and Budget (OMB), stating that the Department of Interior and the U.S. Forest Service requested an allocation account, more commonly termed a parent/child account, to be established for the SNPLMA program. This action was initiated after managers from both agencies reviewed the Solicitor's opinion and their budget execution options and statutory authority and concluded that the SNPLMA program should be classified as an allocation account, i.e., meaning "a delegation, authorized in law, by one agency of its authority to obligate budget authority and outlay funds to another agency. When an agency makes such a delegation,

the Department of the Treasury (Treasury) establishes a subsidiary account called a ‘transfer appropriation account’, and the receiving agency may obligate up to the amount included in the account.”

The Treasury set up the following allocation accounts specifically for the purpose of allowing BLM to make “1151 Transfers” and the FWS, NPS, and FS to receive transferred funds. These are the only agencies currently eligible to participate in the funds transfer process.

Department of the Interior:

14X5232.16 Fish and Wildlife Service (child)

14X5232.10 National Park Service (child)

14X5232 Bureau of Land Management (parent)

Department of Agriculture:

12-14X5232 U.S. Forest Service (child)

If any other agency(ies) or entities becomes eligible through OMB or another Federal agency to receive transferred SNPLMA funds, they would be allowed to participate in this process without further revision to this Implementation Agreement. Similarly, any revision necessary to the published transfer process to include such additional eligible entities would be made without need for further Executive Committee approval. In particular, this process is intended to include those Federal agencies identified in Public Law 108-108, Section 342, regarding Lake Tahoe Restoration projects, after two conditions have been met. Those conditions are (1) execution of a “cooperative [sic] agreement” as required by Public Law 108-108 between the Secretary of Agriculture and the Federal agencies conducting projects under Public Law 108-108, Section 342, and (2) the Department of Treasury establishing the necessary allocation accounts.

This transfer policy allows for agencies to convert projects approved in Round 1-5 from reimbursement to transfer, which, in some cases, will result in a single project being partially funded under reimbursements and partially funded by transfer. Projects approved in Round 6 and forward will be funded either by Transfer or through the “Obligation and Reimbursement” process described in the next section, but not both.

Agencies have one year from the notification of availability of funds to initiate the transfer process. The first transfer shall take place either during the quarter the transfer is initiated or the quarter immediately thereafter. The transfer process may be modified somewhat from time to time in order to provide clarification and greater efficiency. Such revisions will not require further Executive Committee approval.

The detailed process, procedures, and business rules for the 1151 Transfer Process can be found in Appendix L.

The February 2005 solicitor's opinion determined that SNPLMA funds are appropriated funds and specified that advance payments are prohibited unless a specific appropriation or other law authorizes it. Because SNPLMA does not authorize advance payments, agencies are expected to identify quarterly transfer amounts consistent with how much they anticipate being able to either expend or obligate during that quarter. The process outlined in Appendix L includes an explanation of provisions in the transfer request and report spreadsheets to monitor the use of transferred funds by the agencies compared to the percent completion for the project, and provides for the ability to delay future transfers until the utilization of funds and project progress become more closely aligned. These determinations would be made in consultation between the SNPLMA Division, the receiving agency, and the Partners Working Group.

The processes and requirements for requesting project modifications (additional funds, change in scope, time extensions, on-hold status, or termination) are the same for projects funded by 1151 Transfer as for projects funded through the obligation and reimbursement process described in the next section. If the policies and procedures outlined in this Implementation Agreement, including requirements for modifying projects, are not met, transfer of funds may be delayed and/or projects could even be subject to termination. The processes and requirements for modifying projects, including termination, are outlined below in Section X.

Although the next section outlines the processes and procedures for obligating funds for reimbursement as opposed to receiving transferred funds, it also contains general information on how funds are allocated to the different categories, notification of availability of funds, etc. that apply equally to projects which will be funded by 1151 Transfer.

IX. SPECIAL ACCOUNT OBLIGATION AND REIMBURSEMENT PROCESS FOR ALL PROJECT CATEGORIES

This section applies to all project categories and the term "project" throughout is to be taken to mean any undertaking approved under any of the categories, including acquisition of lands and interests in land. The section describes the process associated with implementing the Secretaries' decisions for spending funds in the Special Accounts by reimbursement pursuant to the Economy Act (31 U.S.C. 1535) utilizing Intra-Governmental Orders (IGOs) or pursuant to a master cooperative agreement with a local or regional governmental entity for task orders. Projects which commenced prior to implementation of the 1151 Transfer Process described above were all funded through this process and may be completed under this reimbursement process. Projects approved in Round 6 and forward may, if in the best interest of the agency, be carried out under the reimbursement process pursuant to the Economy Act even if the agency is otherwise eligible for 1151 Transfers.

All project categories utilizing the obligation and reimbursement process shall submit reimbursement request packages at logical phases of the projects, generally considered to be quarterly or at other logical phases based on timing of contract payments, etc. as identified in the obligating document (IGO or task order) in consultation with the Program Manager for the applicable category. The reimbursement process described here is designed to ensure that funding allocated under the Acts is spent for the intended purposes. It specifies the

documentation required to initiate a project and to receive payment for the project necessary expenses.

Although the section applies to obligation and reimbursements for all categories, there are slight differences in the steps to complete an acquisition project compared to the steps to complete projects in the other categories. Therefore, two separate figures are included to more clearly identify these steps.

Figure 4 depicts the process for completing a land acquisition (Process Flow Chart: Land Acquisitions). Each box represents a step in the process that is described above. The first box depicted on the flow chart is identical to the final step in the Recommendation Development Process, in which the Secretaries approve the final decisions regarding all planned expenditures of SNPLMA and FLTFA funds for the coming year. The description of the realty-related actions to purchase land is general and may vary somewhat by agency.

Figure 5 depicts the process for completing capital improvements; parks, trails, and natural areas; conservation initiatives; and development of a MSHCP (Process Flow Chart: Projects). The first box depicted on the flow chart is identical to the final step in the Recommendation Development Process, in which the Secretary of the Interior approves the final decision regarding all planned expenditures of the SNPLMA funds for the coming year and the Secretary of the Interior and the Secretary of Agriculture jointly approve the final decision regarding all planned expenditures of the FLTFA funds.

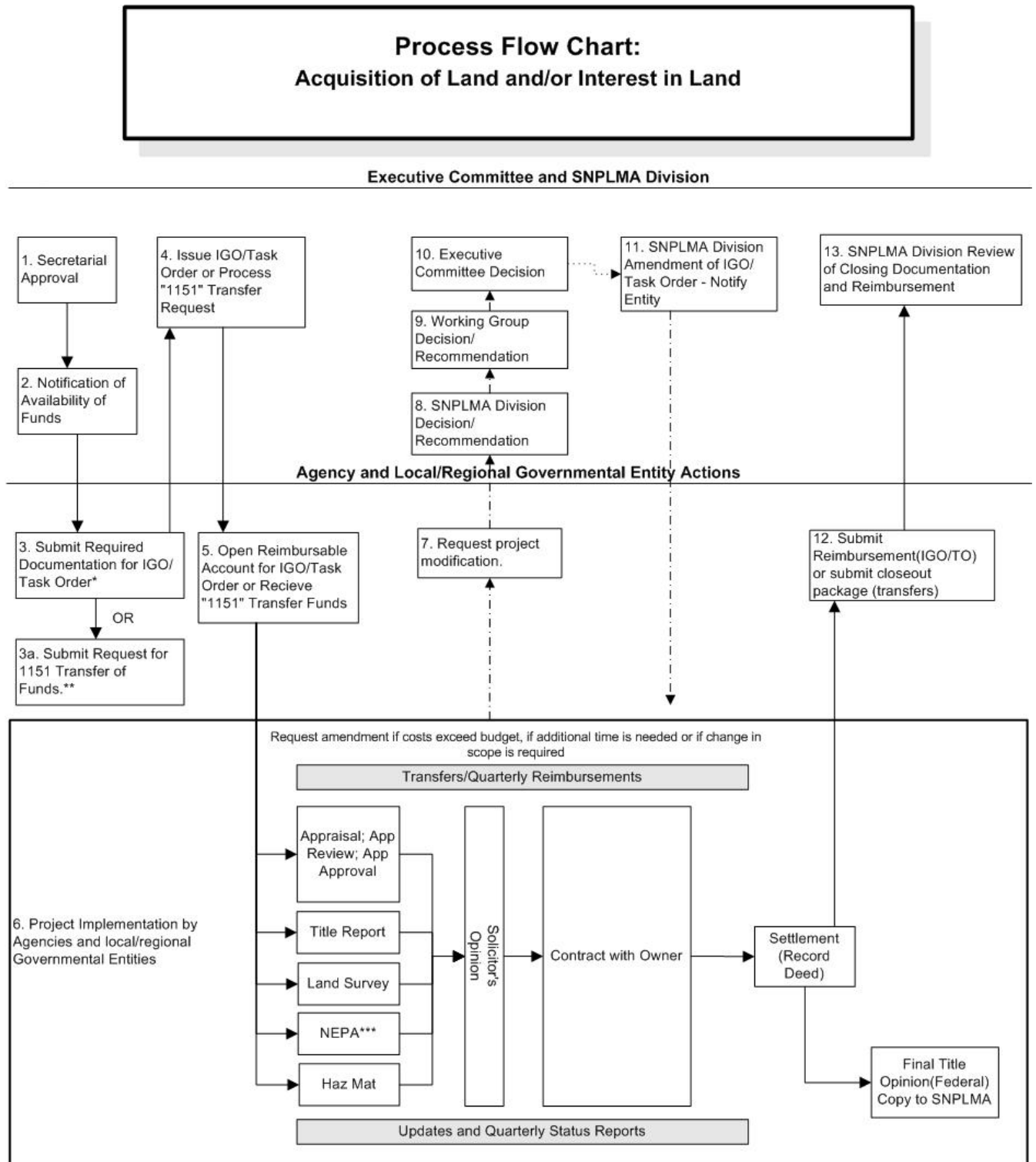
The SNPLMA Division will allocate the funds to each category according to the priorities and the availability of funds in the Special Accounts. The budgeted amount remains available in each of the project categories until expended.

Submit Required Documentation to Request Inter-Governmental Order/Task Order

The SNPLMA Division will notify the Federal agencies and local/regional governmental entities of the Secretaries' decisions. All projects are funded in the order approved by the Secretaries as revenue accumulates in the Special Accounts for distribution between all project categories. The SNPLMA Division will notify the agencies/entities when the balance of the applicable Special Account(s) is sufficient to fund a particular project. However, if the Secretary approves priority funding for one or more expenditure categories as part of the Decision Document for any given Round, revenue accumulated in the SNPLMA Special Account will be distributed to those categories in the priority order authorized by the Secretary before funds are distributed to the other categories.

Following notification of availability of funds, the Federal agencies prepare and submit to the SNPLMA Division, a package of the required documentation to request an Intra-Governmental Order (IGO) which constitutes an inter-/intra-agency agreement and replaces the task orders formerly issued under blanket inter-/intra-agency agreements between BLM and the other three

FIGURE 4

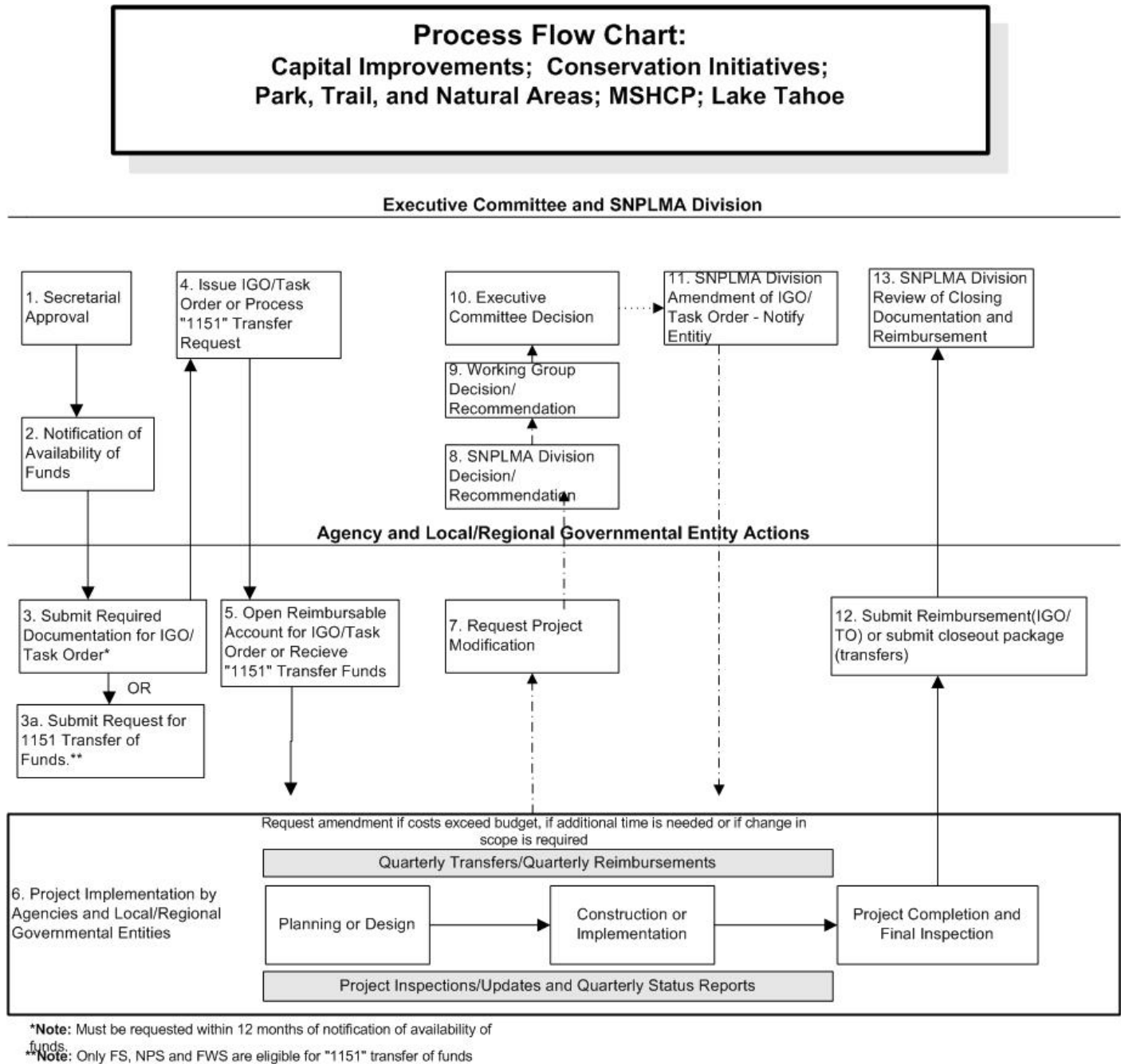


*Note: Must be requested within 12 months of notification of availability of funds.

**Note: Only FS, NPS and FWS are eligible for "1151" transfer of funds.

***Note: Required for BLM acquisitions; may be required for other Federal acquisitions and for PTNA acquisitions.

FIGURE 5



Federal Agencies. The BLM submits documentation for an “internal” task order which documents the obligation of funds, terms and conditions, and time frames just as an IGO does with the other Federal agencies. Local and regional governmental entities submit documentation for a task order (utilizes a form titled “Assistance Agreement”) against the master

Cooperative Agreement with BLM. The agency/entity has one year from the date of notification of funding to submit the documentation required to open an IGO/task order.

The estimated necessary expense sheets can be found in Appendix B-1 through B-7, and a list of examples of Other Necessary Expenses is found at Appendix B-9. Except for acquisitions, the estimated expense sheet includes estimated milestone dates and estimated completion date (B3 to B-7). The completion time for all project categories will be specified in the IGO/Task Order and, except for lands, will be based on the estimated time-frames provided by the agency/entity for the major milestones. Land acquisitions will receive an IGO/task order time frame of two years to complete the acquisition.

All IGO/Task Order requests should include the contingency reserve funds unless it is known that these additional funds will not be needed. Once the Task Order is issued, the contingency reserve will no longer be available. Once documentation is submitted the SNPLMA Division, BLM contracting, and agency/entity contracting must make every effort to execute the IGO as soon as reasonably possible.

Review and Process the Request for Intra-Governmental Order/Task Order

Upon receiving the required documentation, the SNPLMA Division will review the request for accuracy and coordinate, if necessary, with the agency/entity to complete the request package. When the request is complete, the SNPLMA Division submits the draft IGO/task order to the BLM Contracting Office at the BLM Nevada State Office, which will finalize and issue the IGO/task order for signature.

The IGO/task order is first signed by an authorized representative of the recipient agency/entity and then by the BLM Contracting Officer. The IGO/task order obligates the total available funding from the applicable Special Account(s) for the specific project. BLM executes internal task orders which are then submitted to the SNPLMA Accountant at the National Business Center in Denver to obligate the funds. The internal task orders are signed first by the field manager of the requesting BLM field office and then by the SNPLMA Division program manager for the applicable category. The program manager then transmits the executed task order to the SNPLMA Accountant to finalize the obligation and establishment of the internal reimbursable account.

The only category which may do multiple IGOs or task orders for a single project is Conservation Initiatives. Each agency involved in an Inter-agency Conservation Initiative will require a separate IGO or task order to conduct its portion of Conservation Initiative project. Project teams should determine the portion of total project funds available that will be required by each agency for its part of the project, so that each agency receives only one IGO/task order for each project in which it's involved.

The agencies are to ensure that their reimbursable account number is provided to the BLM contracting officer or identified on the IGO by the agency authorized representative before signing the IGO and returning to the BLM Contracting Officer for signature.

Agencies/entities should make every effort to execute IGOs and task orders within 60 days of submission to them for signature. Projects may be considered for termination if IGOs and task orders are not executed in a timely manner. Projects terminated for this reason may be re-submitted in a subsequent round when the agency is ready to move forward.

Agencies Open Reimbursable Account

An IGO allows individual agencies to open a reimbursable account for the project. Agencies may then charge necessary expenses against this account. BLM Task Orders are assigned an internal-reimbursable account by the BLM National Business Center and necessary expenses are then charged against the internal reimbursable account. BLM's internal reimbursable account number is provided on the task order when presented to the BLM field office for signature.

Use of a reimbursable account is authorized under the Economy Act. A reimbursable account is more like a charge account than a checking account. The reimbursable account is backed by an agreement (IGO/task order) to pay at logical stages of the project during its implementation (generally quarterly) when all documentation is in order and accepted by the SNPLMA Division. Reimbursable accounts are generally "no-year" accounts, so they need not be settled at the end of a fiscal year. The funding to cover necessary expenses will come from the applicable Special Account(s). Agencies shall submit requests for quarterly reimbursement of necessary expenses incurred, or at other logical stages of the project as stated in the IGO/task order. However, only costs incurred after the Secretaries' approval of are reimbursable.

Prepare and Submit Reimbursement Request Package for IGO/Task Order

The agency/entity will prepare and submit to the SNPLMA Division quarterly reimbursement requests (or on other logical time frame specified in the IGO/task order) for incurred necessary expenses during implementation of the project. Once the project is complete, the agency will prepare and submit a final reimbursement/payment documentation package and will make every effort to submit this package within 60 days of completion of the project. Both quarterly and final packages shall contain the information and documentation specified in Appendix H for IGOs and task orders. (See Appendix L for information on payment of quarterly transfers and close-out requirements for projects funded by 1151 transfers.) Documentation requirements to open an IGO/task order and to request reimbursements are detailed in Appendix H through H-5.

The SNPLMA Division will review the reimbursement package to ensure all necessary documents are included as outlined in Appendix H, and determine the acceptability and accuracy of necessary expenses based on documentation submitted or additional information requested. When the reimbursement package is deemed complete and appropriate, the SNPLMA Division will accept the package and notify the agency of the acceptance and approved amount to initiate an IPAC for payment. The Division will maintain a file copy to support disbursement from the Special Account, and submit documentation and a payment authorization memo to the NSO for approval and coordination with the SNPLMA Accountant at the National Business Center for payment. No funds will be reimbursed for expenditures made prior to the Secretary's approval of the project. Necessary expenses incurred after the Secretarial approval, but prior to issuance of a notification of available funding, IGO/task order, or Transfer are reimbursable.

In addition to submitting the reimbursement documentation and payment authorization to the NSO, the SNPLMA Division will at the same time prepare a reimbursement acceptance letter to the requesting agency/entity. The letter will include the amount to be paid and, if appropriate, the amount to be de-obligated. It will also advise the Federal agencies to initiate the IPAC billing and request that the agency notify the NBC of the IPAC bill number. A copy of this letter will be sent to the NBC in order to ensure that there is sufficient cash available from investments to cover the upcoming IPAC or payment disbursement. When an IPAC bill is processed, the NBC will fax a copy of the IPAC bill to the LVFO for the project file. For other forms of payment, the NBC will provide an email or other written confirmation that the payment has been made.

Reimbursement/Payment for Projects Which Cannot Be Completed

In those instances where a project cannot be completed and termination has occurred as described below, the agency/entity should prepare and submit to the SNPLMA Division a reimbursement package for necessary expenses for projects under reimbursement. Agencies should make every effort to submit the reimbursement package, or transfer payment close out documentation as outlined in the transfer process above, within 60 days of such notification.

Regardless of whether the project is funded under IGO/task order or under 1151 Transfers, the following rules apply for projects approved for termination:

- If non-completion is without the fault or negligence of the recipient, as agreed to by the Agency and the BLM or by the local or regional governmental entity and the BLM, all past payments made under previous IGO/task orders shall remain with the recipient as reimbursement for costs incurred. Excess funds obligated by the IGO/task order shall be de-obligated for use by other approved projects within the same category.
- If non-completion is without the fault or negligence of the recipient, as agreed to by the agency and the BLM all necessary expenses incurred and paid with prior transferred funds shall remain with the recipient as reimbursement for costs incurred; excess transferred funds shall be returned.
- If the non-completion is due to the fault or negligence of the recipient, as agreed between the agency and the BLM or by the local or regional governmental entity and the BLM, all past payments made under previous task orders shall be repaid by the recipient to the SNPLMA Special Account and credited to the same category account as the terminated project for use by other approved projects within the same category.

X. REQUESTING PROJECT MODIFICATIONS

The SNPLMA Division is the primary coordination point for the submission of all project modification requests. The Division performs an initial review of all requests and coordinates with the agency/entity to gather any additional information which may be required to complete

the request. Requested project modifications may be requests for additional funds, time extensions for project completion, changes in project scope, placing a project “on hold,” or termination prior to project completion. The thresholds and process for approval of all modification requests are addressed in section G below. The rules outlined in this section apply to all project categories (except Lake Tahoe projects) and apply regardless of whether a project is funded through the reimbursement process or the transfer process.

Requests for Additional Funds from Special Account Reserve

If the total project costs exceed the original approved budget amount by more than the contingency percentage approved by the Secretary, the agency may request approval for additional funds from the Special Account Reserve. The request must be submitted in writing to the SNPLMA Division and include:

- Amount requested,
- Total of funds already provided,
- Total of funds provided to date for multiple phases of the same project,
- Map locating multiple phases of the project, where appropriate or requested,
- Amount actually obligated or expended to date,
- Justification statement explaining the reason for the cost overruns,
- Revised necessary expense estimate, and
- Description of any affect on the timeline for project completion.

Approved requests will be documented in an Amendment to the IGO.

SAR Request Limits. Requests for additional funds associated with work outside the scope of the original approved project are not to be funded by SAR. Additional funds for changes in scope (see section below) will be limited to those scope changes required to complete the project as originally described, not to increase the size, function, level of finish, etc. of a project.

The consideration and approval process for SAR requests is addressed in Section XI below.

Requests for Additional Funds through Budget Reallocation

From time to time, the amount of budgeted funds available in a project category will exceed the amount needed to provide funding to all projects within the category. This situation is generally due to termination of projects or completion of projects at less than the estimated cost. In order to utilize these funds where needed, the Executive Committee approved a process referred to as Budget Reallocation (BRA).

Requests for additional funds for a project through Budget Reallocation may be submitted and considered for approval only after all approved projects within the same category have received notification of availability of funds. Thereafter, any remaining budgeted funds (“excess budgeted funds”) within a category may be reallocated with approval of the Executive Committee to cover cost over runs for approved projects within that category. Available BRA funds may be requested only until a new Round is approved. As soon as a new round of projects

is approved the excess budgeted funds go back into available revenues to fund the newly approved projects.

Agencies/entities requesting BRA funds should follow the guidelines above for requesting SAR funds. The limitations placed on SAR funds also apply to BRA funds. The consideration and approval process for BRA requests are addressed in section XI below.

Requests for Time Extensions

If the project can not be completed within the term specified in the IGO/task order, the agency must submit a written request to the SNPLMA Division for an Amendment to extend the IGO/task order accompanied by a justification statement including the new estimated completion date. Approved requests will be documented in an Amendment to the IGO/task order. The consideration and approval process and thresholds are addressed in Section X below.

Requests for Change in Project Scope

Projects are evaluated, scored, ranked, and approved by the Secretary based on ranking criteria and public benefit, both of which are determined through evaluation of the project as described in the nomination. Requests for changes in scope should be limited to those necessary to complete the project as described in the nomination and approved by the Secretary. Changes in scope which increase the size, function, level of finish, or otherwise constitute an expansion of the originally described project and would thus typically require additional funds should be submitted as an additional or future phase of the project in a subsequent round of nominations. Rather than request reductions or alterations in the scope of the project which would essentially change the essence of the project to something other than what the Secretary approved, agencies/entities should consider termination and nomination of the project in a future round. The consideration and approval process is described below in section XI.

Requests to Place a Project In On-Hold Status

The recipient agency/entity may request that a project be placed into “On-Hold” status to allow up to a maximum of one year to resolve unanticipated issues or complications associated with carrying out the project. The request for on-hold status must be in writing and include an explanation of the issues and actions planned to resolve the issues. In order to reactivate the project the agency must submit a request to reactivate which includes confirmation that the issues which caused the project to be placed into on-hold status have been satisfactorily resolved and no longer create an obstacle to carrying out and completing the project.

On-hold status prior to issuance of an IGO/task order or transfer request will effectively extend the time period required to request an IGO or transfer. In this instance, the agency/entity must include a IGO/task order or transfer request as part of its request to reactivate the project.

On-hold status after issuance of an IGO/task order will suspend the time period allowed under the original IGO/task order, not extend it. For example, an agency having four months remaining on its IGO/task order will automatically receive only four months on the newly issued

IGO/task order. If the agency/entity knows the time remaining from the original IGO/task order will be insufficient to complete the project, a request for a time extension should be submitted along with the request to reactivate the project. The time extension portion of the request must include the information in section “C” above.

On-hold status will result in the majority of the funds previously obligated for the project by the IGO/task order being deobligated and moved down the list to the next priority within the category. Sufficient funds to cover any necessary expenses already incurred by the agency which are reimbursable will remain available on the IGO/task order to “pay” the reimbursement when submitted. In this instance, the IGO/task order will not be terminated, it will be modified to reflect the lower funding level and expiration of the on-hold period. If no such costs have been incurred by the agency, all funds available for the acquisition will be deobligated and the IGO/task order terminated when the project is initially placed on hold.

Where a project being place on hold has received transferred funds, those funds may be expended as needed to cover necessary expenses already incurred. Future transfer of funds will be suspended until the Agency reactivates the project. After the project is reactivated and a new or modified IGO/task order is issued or transfer restarted, necessary expenses incurred during the on-hold period or not previously reimbursed or paid from funds already transferred may be moved to the reimbursable account established by the new IGO/task order or paid from newly transferred funds. Any unused transferred funds for a terminated project are to be returned to the appropriate Special Account and the SNPLMA Division will credit it to the appropriate expenditure category.

When the project is reactivated, the project will be in line for funding based on its original priority. A suspended IGO/task order “clock” will not restart until funds are again available to issue a new/modified IGO/task order.

If the agency/entity is unable to resolve the issues leading to on-hold status in order to reactivate the project within the allowed one-year hold period, the SNPLMA Division will recommend project termination for submittal to the Executive Committee as outlined below. The SNPLMA Division will notify the agency/entity of the Committee’s decision. If the decision is to terminate the project, the agency/entity shall make every effort to submit the reimbursement package or transfer close out documentation to the SNPLMA Division within 60 days of notice of termination, for reimbursement/payment of necessary expenses incurred which have not already been reimbursed or paid. The request for reimbursement shall include appropriate documentation and an explanation of the circumstances leading to termination. If the terminated project was funded by transfer, the agency must return any unused funds to the SNPLMA Special Account and provide the required close out documentation to the SNPLMA Division. The agency/entity may, if the issues are later resolved, elect to re-nominate the project in a subsequent round.

Requests to Terminate a Project Prior to Completion

Up to this time, no specific process for early termination of projects has been defined in the Implementation Agreement. This section is intended to accomplish the following:

- Describe typical reasons which provide justification for project termination;
- Provide a specific process for agency/entity initiated terminations;
- Develop a process for terminations to be requested by the SNPLMA Division; and based on non-compliance with SNPLMA policies, procedures, and business rules; and
- Provide for a specific review and approval process for termination requests.

A. Termination Request Justifications

Typically, one of the following reasons will be the basis for justifying a request to terminate a project:

- The project is infeasible due to cost, health/safety, environmental, construction constraints, or legal issues;
- The acquisition appraised value is not acceptable to the owner;
- The project scope no longer fits within the context of the project as originally nominated and approved by the Secretary;
- The project no longer fits within the context of the agency's/entity's set of priorities and/or goals;
- The need for the project has been met by another resource; and/or
- The project was funded through another source.

B. Terminations Requested by the Recipient Agency/Entity

This section formalizes the process for an agency/entity to terminate a project prior to completion. The Agency/Entity first identifies that a project is no longer feasible and submits a written termination notice to the SNPLMA Division. The decision notification should include an explanation of the justification for the termination and identify the amount already expended on the project for which they will request reimbursement under an IGO/task order. If funds were provided by transfer, the agency termination notice should include the total expended and the amount to be returned to the SNPLMA Special Account. The agency may submit the project closeout package with the termination notice if it is prepared to do so at that time. The SNPLMA Division reviews the notice and may request additional information..

The SNPLMA Division will communicate the Agency/Entity termination notice to the Working Group and Executive Committee. The Working Group and Executive Committee may request additional information or suggest alternatives to termination for consideration by the Agency/Entity, and will make every effort to do so within 10 days of receiving the notice of termination.

The SNPLMA Division will process the termination by closing the IGO/task order and de-obligating funds in excess of those identified for reimbursement in the agency/entity request memo. The agency/entity should make every effort to submit the complete reimbursement package or close-out documentation for transferred funds within 60 days of submittal of the termination notice to the SNPLMA Division. .

C. Terminations Requested by the SNPLMA Division

On rare occasions a termination may need to be initiated by the SNPLMA Division after all efforts to move the project forward in compliance with the Implementation Agreement have failed. The SNPLMA Division would not initiate a termination without notifying the agency/entity of its intention to do so. The Executive Committee shall have sole authority to approve terminations initiated by the SNPLMA Division. Examples where the SNPLMA Division could recommend termination include situations where the agency/entity does not comply with one or more of the following SNPLMA policies and procedures:

- Initiate funding procedures within one year of notification of availability of funds;
- Execute an initial IGO/task order or modification to an IGO/task order in a timely manner;
- Submit required documentation for extensions of an IGO/task order in a timely manner;
- Submit required documentation to reassign a task responsibility for a Conservation Initiative project and funding associated with that responsibility from one inter-agency partner in the project to another when such reassignment is necessary;
- Comply with transfer documentation and reporting requirements;
- Submit a termination request after receiving a decision on a project modification which requires that the project be terminated;
- Reactivate a project which was placed into “on hold” status within one year of the effective date of that status, or fail to provide evidence that issues used to justify the on-hold status were satisfactorily resolved

If it becomes necessary for the SNPLMA Division to initiate a termination, it will document the request to terminate the project in the form of a decision memo which provides the project background, total funds provided and, as far as possible, total funds expended to date for the project, non-compliance issue from the SNPLMA Division perspective, non-compliance issue from the agency/entity perspective based on documentation (emails, memos, etc.) in the file, justification for terminating the project, and recommendation for the termination. The decision memorandum will have a place for concurrence or alternate recommendation by the Working Group and a place for approval or denial of the Executive Committee with alternate action to be taken if appropriate.

The SNPLMA decision memo will be forwarded to the Working Group for consideration and review by that group in a timely manner. A copy of the SNPLMA decision memo will also be provided to the affected agency/entity. When the Working Group review is complete, it will forward the SNPLMA decision memo with the Working Group’s recommendation and signature to the Executive Committee, with a signed copy faxed to the SNPLMA Division. The Executive Committee decision will be made in a timely manner and formalized by signature to the SNPLMA decision memorandum indicating approval or denial of the termination recommendation. If the Executive Committee denies the request, the decision memorandum provides a place for the Committee to indicate what alternative action should be taken to resolve the non-compliance issue(s). The original signed decision memorandum will be sent to the SNPLMA Division to be maintained in the project file.

Following a decision on a SNPLMA Division termination request, the Division will notify the agency/entity by providing a copy of the decision memo signed by the Executive Committee. If

the termination recommendation was denied, the agency will be asked to respond to any alternate actions recommended by the Working Group and Executive Committee. If the termination request was approved, the agency/entity should make every effort to submit the complete reimbursement package or transfer close-out documentation within 60 days of notification that the termination has been approved. The SNPLMA Division will process the termination as described above.

XI. CONSIDERATION, APPROVAL THRESHOLDS, AND PROCESS FOR PROJECT MODIFICATIONS

The SNPLMA Division, the Partners Working Group and the Executive Committee are the organizational groups which will be included in the modification review and approval process for all requests to modify IGOs/task orders. The following details the roles and responsibilities of each group, as well as the approval threshold of each group.

SNPLMA Division

The SNPLMA Division is the primary coordination point for the submission of requests for all types of project modifications described in Section X. This Division will perform an initial review of all requests and coordinate with the submitting agency/entity to gather any additional information that may be required.

The SNPLMA Division will have the authority to approve scope, time and financial modification requests limited to the following approval thresholds:

- Time extensions of up to 1 year total over the life of the project.
- Minor modifications to project scope. (e.g., minor alignment issues, transferring responsibilities between Interagency Conservation Initiatives, relatively insignificant changes in acreage that don't negatively impact resources being acquired)
- Requests to place projects "on hold" (see Section X for "Requests to Place a Project In On Hold Status).

The standard operating procedure for the SNPLMA Division will be to provide a decision within two weeks from the date of a *complete* submission. Requests which are not recommended by the SNPLMA Division will be forwarded to the Working Group for consideration.

All Division approvals must be documented in the form of a decision memorandum, which details the project background, the justification(s) for the request, and the decision; this document will be signed by the Assistant Field Manager of the SNPLMA Division. The Working Group and Executive Committee members will receive an electronic copy of all SNPLMA Division approvals. If no objection is received from any member of the Executive Committee within 7 working days, the decision of the SNPLMA Division shall be deemed approved. If an objection is received which cannot be resolved by providing additional information, the SNPLMA Division will forward the request to the Executive Committee for a final determination, with a copy to the Working Group. Requests that are in excess of the

Division thresholds detailed above will be forwarded to the Working Group.

Partners Working Group

All requests forwarded to the Working Group will be submitted through the SNPLMA Division for initial review and coordination with the submitting agency/entity to gather any additional information that may be required to ensure *complete* submissions. Once the SNPLMA Division initial review has been completed, the request and a recommendation will be forwarded to the Working Group for consideration and decision.

The Working Group will have the authority to approve time, scope and financial modification requests meeting limited to the following approval thresholds:

- Time extensions in excess of one year but no greater than two years total over the life of the project.
- SAR/BRA requests not to exceed \$250,000.00 or 5% of the Secretarial approved project budget, whichever is lower.
- Significant modifications to project scope, (e.g., Reduction of a trail project from 10 to 8 miles, significantly modifying or reducing an objective of an Interagency Conservation Initiative, significant changes in acreage that do not negatively impact resources being acquired)

The standard operating procedure for the Working Group will be to provide a decision within two weeks from the date of a complete submission from the SNPLMA Division. Requests that are not recommended by the Working Group will be forwarded to the Executive Committee for consideration.

All Working Group decisions will be made by a majority vote of the group and must be documented in the form of a Working Group decision memorandum. This memorandum will detail the project background, the justification(s) for the request, and the decision; this document will be signed by the Working Group Chair. The Executive Committee and SNPLMA Division will receive an electronic copy of all Working Group approvals. If no objection is received from any member of the Executive Committee within 7 working days, the decision of the Working Group shall be deemed approved. If an objection is received which cannot be resolved by providing additional information, the Working Group will forward the request, with a copy to the SNPLMA Division, to the Executive Committee for a final determination. The original signed document will be sent or provided to the SNPLMA Division and will be maintained in the project file. Requests in excess of the Working Group thresholds detailed above will be forwarded, by the Working Group, to the Executive Committee.

Executive Committee

The Executive Committee is the final decision making group for all modification requests and only the most significant requests will be evaluated by this group. All requests forwarded to the Executive Committee will be submitted to the SNPLMA Division for initial review as described above and then to the Working Group for consideration. Once the initial SNPLMA Division and

Working Group review has been completed the request and recommendation of the SNPLMA Division/Working Group will be forwarded to the Executive Committee for a final decision.

The Executive Committee will review and approve the following:

- Major modifications to project scope (e.g., reductions in scope of 40% or more, addition or reduction in acreage that impact resources being acquired or alter rights to be acquired, change in rights to be acquired from nomination (e.g., reduction of mineral rights)
- Time extensions more than of two years total over the life of the project.
- SAR/BRA requests exceeding \$250,000.00 or 5% of the Secretarial approved project budget.
- Requests for waiver of SNPLMA business rules outlined in the Implementation Agreement.

The standard operating procedure for the Executive Committee will be to provide a decision within two weeks from the date of a *complete* submission from the Working Group.

The Executive Committee is the only group which may deny a time, scope, or financial modification request.

All Executive Committee decisions will be made by a majority vote of the group and must be documented in the form of an Executive Committee decision memorandum, which details the project background, the justification(s) for the request, and the decision; this document will be signed by the Executive Committee Chair. Notification of the decision will be sent to the Working Group and SNPLMA Division. The original signed document will be provided to the SNPLMA Division and will be maintained in the project file.

SNPLMA Division Processes Amendment to the IGO/Task Order, Documents Modifications for Projects Under Transfer

When the SNPLMA Division, Working Group, or Executive Committee approves an amendment request as described above, the SNPLMA Division will process an amendment to the IGO/Task Order. Modifications to IGOs/task orders will be processed in the same manner as the initial IGO/task order. For projects funded by transfer, the SNPLMA Division will provide written notification to the agency of the approval. All agencies/entities will be advised in writing regarding any request which is not approved.

XII. ADDITIONAL GUIDELINES BY PROJECT CATEGORY FUNDED EITHER BY THE OBLIGATION/ REIMBURSEMENT PROCESS OR THE TRANSFER PROCESS

Sections IX and X above explain the overall obligation and reimbursement process and the modification approval process for approved projects in all categories. The information below is project category specific. Each section below provides additional information on necessary expenses, terms, conditions, and rules regarding funding and implementation of projects within

the named category. This section should be reviewed closely as familiarity with these business rules will help agencies/entities avoid difficulties in funding an implementing projects.

Land Acquisition Projects

A. Acquisition Necessary Expenses. Following the necessary expense doctrine, all authorized necessary acquisition costs will be reimbursable regardless of whether or not the acquisition is completed and are not limited to specific case management activities as in the past. These expenses are identified in Appendix A and on the Estimated Necessary Expense Form (Appendix B-1) for SNPLMA acquisitions and the checklist of Other Necessary Expenses (Appendix B-8). Agencies shall submit quarterly reimbursements for acquisitions under IGO/task order to recover necessary expenses incurred over logical stages of the acquisition project.

B. FLTFA Acquisition Allowed Costs: Currently payroll costs and other necessary expenses are not allowed for FLTFA acquisitions under the National FLTFA MOU. Please refer to the Estimated Cost Form (Appendix B-2) for allowed costs for FLTFA acquisitions. At such time as the National FLTFA MOU is revised to allow for expenditure of FLTFA funds for payroll and other such necessary expenses, the policies and procedures outlined herein for necessary expenses will be applied to FLTFA acquisitions as well without further approval by the Executive Committee. The affected agencies will be notified in writing should this occur.

C. Acquisition Time Frame. Issuance of an GO for the acquisition starts a two-year clock within which the acquisition is to be completed. If more time is required the agency must (a) request a time extension, subject to the provisions of Section D above; (b) request the acquisition be placed “on-hold,” subject to the provision of Section E above; or (c) at the agency’s option, request that the acquisition be terminated and re-submit it in a subsequent nomination round if deemed appropriate. Failure to agree on price following receipt of a federally approved appraisal and delivery of a written offer to the owner is not, in and of itself, sufficient justification for a time extension.

D. Acquisitions On Hold. Generally failure to agree on the purchase price will not qualify an acquisition to be placed on hold unless the acquiring agency can present a reasonable expectation that negotiations will result in a price agreement.

E. Acquisition Change in Scope. Lands and/or interests in land are evaluated, scored, ranked, and approved by the Secretary based on their resource values and public benefit. Changes in the acreage, parcels, or rights to be acquired could dramatically impact the resource values on which the ranking and approval were based. Any such changes should be identified and submitted in writing as a request for a change of scope to the SNPLMA Division prior to or at the time a task order is requested, if possible, or as soon as circumstances develop which would prevent acquisition of the property as nominated and approved. The request for change in scope must include a description of the change in acreage, number of parcels, and/or rights being offered, and an explanation of how the changes impact the resource values on which approval of the acquisition was based.

If the resources are negatively impacted or measurably reduced, or the changes otherwise significantly alter the nature of the acquisition approved by the Secretary, the acquisition may be

subject to termination as determined by the Executive Committee. The SNPLMA Division will review the request for change of scope and process it in accordance with the Approval and Threshold process described in section X.G. above.

F. Acquisition Appraisal Cost. The SNPLMA Special Account will pay the cost of one federally approved appraisal. If the agency has owner agreement on price but, despite its best efforts, the acquisition cannot be completed before the appraisal expires, with advance approval, the SNPLMA Special Account will also pay the cost of one update of the original appraisal if carried out by the same appraiser. Failure to agree on price or obtain the owner's decision regarding the offered price resulting from the original appraisal is not justification for SNPLMA to pay for an update to that appraisal or a second appraisal. Except as stated above, the cost of any additional appraisals or updates sought by the acquiring agency, regardless of the reason, will be paid by the agency. This policy applies to all approved acquisitions which were not yet been completed or terminated as of November 7, 2003, the date this policy was approved by the Executive Committee. Notwithstanding this policy, the Executive Committee reserves the right to waive this policy and authorize a second or updated appraisal due to extraordinary extenuating circumstances. Requests for a waiver of this policy are to be submitted in writing to the SNPLMA Division program manager and must include a full discussion of the circumstances and justification for the waiver.

G. Acquisition Mineral Study Costs. There is an increasing occurrence of nominations of patented mining claims and properties which include mining claims. There have also been occasional occurrences of nominations where a third party has retained ownership of mineral rights. Certain mineral valuation situations may be addressed by obtaining a mineral potential assessment report which also addresses market feasibility although it does not specifically determine a value for the minerals. If the acquiring agency believes such a report is appropriate and necessary, the cost of the mineral potential report will be reimbursed. The SNPLMA will not pay the cost of mineral exploration in order to provide detailed drilling and testing data necessary to value mineral rights. Such exploration is the responsibility of the owner or mining claim holder.

H. Acquisitions with Third-Party Reserved or Owned Mineral Rights. Agencies are generally expected to acquire lands and interests in land which include all subsurface rights, where subsurface rights are retained by an agency of the Federal government, or where no third party has, or could acquire, development rights for subsurface minerals retained by a third party. If there are third-party mineral rights, agencies should conduct appropriate risk assessments in accordance with agency policy to be able to support a decision to purchase or not purchase.

Parks, Trails, and Natural Areas

The Park, Trail, and Natural Area (PTNA) category is inherently intended to fund outdoor projects aimed at accomplishing the strategic goals below. The PTNA category is not intended to fund capital improvement-type projects where the primary goal of the nomination is construction, renovation, or expansion of buildings (e.g., museums, schools, office or administrative buildings, theaters, auditoriums, etc.). However, funding may be provided for PTNA projects which, due to the nature of the project, require incidental building construction

(e.g., restrooms, maintenance sheds, group picnic shelters, shade structures, small visitor greeting areas, etc.). In addition, funding may be provided for PTNA projects which include, or where the primary purpose is, more significant building construction, such as a visitor center with nature displays tied to the park's theme, when the proposed building is deemed an integral part of a larger PTNA project and critical to accomplishing the goals of that larger project.

A. PTNA Project Perpetual Ownership, Management. In addition to perpetual ownership of acquired land and interests in land, the SNPLMA Assistance Agreements between the BLM and the local and regional governmental entities requires that the governmental entities own and maintain in perpetuity any facilities, trails, or other features which are constructed using SNPLMA funds. This requirement does not prohibit the governmental entities from entering into agreements with third parties to perform necessary and appropriate maintenance of SNPLMA funded PTNA projects. Such agreements, however, cannot give or otherwise transfer ownership of the SNPLMA-funded PTNA project or project elements to a third party nor can such agreements abdicate the local or regional governmental entities' ultimate responsibility for such maintenance.

B. Short-Term PTNA Projects. Certain relatively low cost, short-term PTNA projects with an intended life of 10 years or less (such as an equestrian dirt trail with signage in an existing road right of way not yet needed for road construction or widening) may be nominated and considered for funding based on less than perpetual ownership and maintenance. This would not be an option if SNPLMA funds were used to acquire the land, easement, or right of way for construction of such a project. Such project nominations must clearly state the intended minimum life of the project, why the project must be considered for a short term use rather than use in perpetuity, and justify the estimated cost to value to the government for the use of SNPLMA funds over the intended life of the project. Such projects, if approved, would not require reimbursement to SNPLMA if and when the project is decommissioned at or after the minimum life specified in the nomination.

C. Section 106 Consultation. If Section 106 Consultation under the National Historic Preservation Act is required for the project, a copy of the report signed by the Nevada State Historic Preservation Office (SHPO) must be submitted with the final reimbursement package or sooner if appropriate.

D. PTNA NEPA. If NEPA is required for the project, a copy of the NEPA documentation and findings/record of decision shall be provided as part of the final reimbursement package or sooner if appropriate.

E. Reimbursements Under Cooperative Agreements for PTNA Projects. Federal regulations (43 CFR §12.61) states that reimbursement shall be the preferred method for payment of funds to local and regional governmental entities under a cooperative agreement. Local and regional governmental entities shall submit quarterly reimbursement requests for Park, Trail, and Natural Area projects including required documentation as outlined in Appendix H-3. Small projects for which quarterly reimbursement is not practical or cost effective may be submitted upon completion of the project as documented in the task order.

Advance Payments to Meet Immediate Needs. Advance payment of funds under cooperative agreements is allowed only when the receiving entity is able to demonstrate that the time elapsing between payment of funds by BLM and initiation of disbursement of the funds by the entity shall be minimized in accordance with Treasury regulations in 31 CFR Part 205. The referenced Treasury regulations state that advance payments shall be made no more than three (3) business days before the date the entity issues a disbursement by check or electronic funds transfer payment. Local/regional entity budgetary limitations may create situations where the entities need to request advance payment of funds in order to pay large expenses for which they have insufficient capital (e.g., purchase price of a land acquisition, large construction contract payment). Any such situations will be addressed on a case by case basis where the local/regional entity shall coordinate with the SNPLMA Division to determine (a) if advance payment of funds is appropriate, (b) appropriate documentation to be submitted as evidence that the payment is due and the entity is able to disburse funds within no more than 3 business days, and (c) documentation to be submitted showing that the disbursement was made within 3 days of receipt as required.

D. PTNA Acquisition of Land & Interests in Land. SNPLMA Special Account funds may be provided for acquisition of lands or rights in land, including easements or rights of way, necessary to develop parks, trails, and natural areas by local and regional governmental entities. SNPLMA will reimburse no more than the fair market value of the land or right in land as determined by an appraisal prepared consistent with the Uniform Standards for Professional Appraisal Practices and Uniform Appraisal Standards for Federal Acquisitions. The Executive Committee maintains the right to require that the appraisal be reviewed for adherence to these standards by a qualified appraiser with the Department of Interior Appraisal Services Directorate, especially in the case of high value acquisition of land and interest in land. Acquisitions for PTNA projects require a willing seller. No reimbursement will be made for any PTNA acquisition of land or interest in land made by condemnation or under the threat of condemnation. A willing seller letter must be provided with any nomination of acquisition of land and major rights of way for a PTNA project. Incidental rights of way acquisitions which become necessary for completion of approved PTNA projects also require a willing seller letter, but the willing seller letter can be provided with the request for reimbursement. No reimbursement for such acquisitions will be made without presentation of the willing seller letter.

PTNA Acquisition Perpetual Ownership. The deed for land acquired with SNPLMA funds must contain a nonrevocable restrictive covenant satisfactory to the BLM and the Regional Solicitor that requires the local or regional entity to utilize the land for the intended purpose in perpetuity. The requirement for a restrictive covenant does not apply to small, incidental right of way acquisitions necessary to complete access and signage for trail projects. Local and regional governmental entities are also required to maintain ownership for the intended purpose of other rights in land even though use of a restrictive covenant to that effect may not be practical. Reimbursement documentation requirements for land and in lands for development of parks, trails and natural areas can be found in Appendix H-2.

PTNA Land Acquisition Appraisals. Local/regional governmental entity's are required to obtain an independent appraisal of lands and rights in land to be acquired for PTNA projects. The appraisal must be prepared in compliance with the Uniform Standards of Professional

Appraisal Practices (USPAP), Federal Appraisal Standards, and local/regional governmental entity regulations. The entities also must have the appraisal reviewed by a qualified appraisal professional. The review can be completed by a qualified employee or the review can be completed by a contracted independent professional appraiser. The review must be completed according to USPAP and Federal Appraisal Standards for review reports. The review appraiser's qualifications are to be included as a part of the review report. The Executive Committee reserves the right to require review of the appraisal for high dollar acquisitions by the Department of Interior Appraisal Services Directorate for compliance with the required appraisal standards.

PTNA Valuation of Low Cost Acquisitions. Entities may utilize a summary or modified valuation report if the property was valued below \$2,500. Such summary report must include an approval signature and documentation signifying that the simplified valuation was reviewed and approved by appropriate management official within the local/regional governmental entity. Values determined in this manner must be reasonably supported. [This change is consistent with BLM acquisition policy.]

PTNA Title Insurance for Acquisitions. Entities must provide a copy of a Title Insurance Policy for land acquisitions (but not for incidental ROW acquisitions) and a Statement of Assurance from the entity that it has reviewed all exceptions in the policy to which the property is subject and there are no restrictions or encumbrances specified in the policy that would prohibit the property from being used for its intended purpose.

PTNA Phase I Hazmat Study for Acquisitions. A copy of the Executive Summary, Conclusions, and Recommendation sections of a Phase I Environmental Site Assessment (ESA) completed according to current ASTM standards must be obtained for all land acquisitions (but not generally for incidental ROW acquisitions). The Phase I ESA must be reviewed by a qualified professional either employed by the entity or hired by the entity, where the review confirms that there are no recognized environmental conditions (RECs) on the property which would negatively impact the intended use or prohibit the intended use of the property. If the Phase I report identified RECs, the entity must have obtained and provide the same sections of a Phase II Environmental Site Assessment as part of the reimbursement request package. If the Phase II confirms the presence of hazardous materials requiring clean-up under Federal, State, or local laws and regulations, a Phase III clean-up plan must have been developed and carried out and copies of the applicable sections of the Phase III provided to the BLM. Following clean-up the City must have received certification from the Nevada Department of Environmental Protection (NDEP) that the clean up has been completed and no further action is required. A copy of the NDEP letter must be included in the documentation provided to the BLM. These ESA requirements must be met before acquisition of the property is completed in order to obtain reimbursement from SNPLMA.

PTNA Relocation Assistance for Acquisitions. A description of the determination regarding the applicability of relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24, Final Rules Effective February 3, 2005). (See Appendix M for a Sample Relocation Assistance Assessment Under the Uniform Act from the BLM Acquisition Manual H-2100-1). Attached as Appendix The description should include an

explanation of the circumstances of the acquisition and explain whether or not any displaced persons as defined in the regulations were impacted and, if so, what action was taken to provide relocation assistance. Relocation assistance determinations are to be made, and resolution regarding providing such assistance, prior to completion of the acquisition.

Capital Improvements

In prior years, large, multi-million dollar, multi-year capital improvement projects could be carried out under multiple IGOs/task orders where each task order had a well-defined, tangible end product(s) and each would be reimbursed separately upon completion of the product specified in the task order. Capital Improvements, like all other categories, is now eligible for periodic reimbursements at logical stages of the project, generally considered to be quarterly, throughout the life of the project. Therefore, multiple IGOs/task orders will no longer be issued for Capital Improvement projects. Documentation will be required for reimbursement of necessary expenses for Capital Improvement projects funded through IGOs or Task Orders (see Appendix H-1).

MSHCP Development Projects

In Rounds 2 and 4, MSHCP Development Projects were funded by issuing one or two task orders against one Clark County Cooperative Agreement to cover all approved projects. Beginning with Round 6, the MSHCP project category will receive funds on a per project basis, as do the other project categories. In addition, master cooperative agreements are no longer allowed, so each approved project will be funded through its own cooperative agreement (assistance agreement). Partial reimbursements will be on a quarterly basis or other logical stage of the project as established in the agreement or in coordination with the SNPLMA Division to manage unforeseen circumstances. The governmental entity will submit required reimbursement documentation, progress reports, invoices, etc. (see Appendix H-4).

If a MSHCP Development Project will involve ground disturbing activities that will trigger the provisions of Sec. 106 of the National Historic Preservation Act, required consultations must be carried out and a copy of the report signed by the Nevada State Historic Preservation Office (SHPO) must be submitted with the final reimbursement package or sooner if appropriate.

Conservation Initiatives

Partial reimbursements will be on a quarterly basis, or other logical stages of the project as established in the IGO/Task Order. The agency or governmental entity will submit required reimbursement documentation, progress reports, invoices, etc. (see Appendix H-5).

Regarding Inter-Agency Conservation Initiatives where each participating entity receives its own IGO/task order, the first IGO/task order must be requested within one-year following notification of availability of funds. All IGOs/task orders associated with an inter-agency Conservation Initiative project must be submitted within the budgetary time frame established in the nomination package approved by the Secretary. Documentation to open an IGO/task order for an inter-agency Conservation Initiative project shall include an explanation of how the available

funds and project tasks will be divided among the involved agencies, a time-line for completion of the project tasks to be performed by the requesting agency, and a time-line for completion of the project as a whole. Each agency must request a separate IGO/task order for those project tasks for which it will be responsible and each agency will be assigned a separate project number for its part of the project.

A lead agency shall be established for inter-agency Conservation Initiative projects among the agencies involved, with the named lead agency being responsible for certifying overall progress and satisfactory completion of the project as a whole in coordination with the SNPLMA Division's Conservation Initiative Program Manager. Each agency involved in the inter-agency project will be responsible for submitting the required documentation relative to the tasks to be performed under its Task Order, including status/progress reports, in order to obtain reimbursement for allowed costs associated with its project tasks as outlined in the Task Order.

Lake Tahoe Restoration Projects

The process for obligation and reimbursement for Lake Tahoe Restoration Projects essentially mirrors the process for the other SNPLMA project categories (Figure 3 above) with a few differences. Program and implementation responsibilities will be under the BLM oversight as authorized in the SNPLMA. The responsibilities for administration and financial management of SNPLMA funds approved for Lake Tahoe will be with the BLM in accordance with Section 4(e) of the SNPLMA. The BLM's contracting officer's representative (COR), previously at the Nevada State Office, is now located in the SNPLMA Division and is responsible for processing task orders and reimbursement requests, and financial reporting. Lake Tahoe Estimated Expense Sheets are located in Appendix B-8. Documentation requirements for requesting an IGO and for reimbursement of Lake Tahoe projects is located in Appendix H-6).

The BLM may consider contracting with the USDA Forest Service or others, if authorized, to provide oversight and administrative functions which may include, but not be limited to:

- Administer and support the TWG and LTFAC by organizing meetings, preparing reports, facilitating the development of the Preliminary Recommendation Package and Lake Tahoe Restoration Projects Package and other administrative needs of the TWG and LTFAC;
- Organize the TREX review;
- Administer the public comment period, including any notice requirements, for the Lake Tahoe Restoration Projects Package, and ensure its timely delivery to the TREX and subsequent submittal to the Executive Committee for the Final Recommendation; and
- Coordinate and consult with the LTFAC, Tahoe Regional Planning Agency, Lake Tahoe Transportation and Water Quality Coalition, States of California and Nevada, federal agencies and other parties interested in the use of Tahoe SNPLMA funds.

A. Memorandums of Understanding with Tahoe Participating Federal Agencies

Memorandums of understanding (MOU) are executed for each participating Federal agency. Each agreement is a tri-party agreement executed by the BLM, the USDA Forest Service, and the participating Federal agency. The BLM signs based on its implementation, oversight, and financial management responsibilities for the SNPLMA Special Account. The USDA Forest Service signs in its role as representing the Secretary of Agriculture and recipient of funds pursuant to Appropriations Act 108-108 as well as in its role as the entity responsible for inspection and acceptance of projects as qualified restoration projects under the applicable laws. Finally, each participating agency signs the MOU in order to create the mechanism by which funds can be provided to these agencies for performance of the projects in accordance with Appropriations Act 108-108.

B. Reprogramming of Tahoe Funds from Primary to Secondary Approved Projects

The approved funding available for Lake Tahoe projects in each SNPLMA round may be reprogrammed from the Primary Category to the Secondary Category in the event that a project(s) in the Primary Category becomes infeasible or actual costs are less than estimated costs. In cases where actual costs for any given project in either the Primary or Secondary Category exceed the amount approved by the Secretary, any funds available from the current approved round as a result of other projects being terminated or actual costs being less than estimated may be made available to cover the higher than expected costs for other projects. In such cases as these, the PCT shall notify and present the issue to the Tahoe Regional Executive Committee (TREX) for final approval. Cost overruns may also be covered by requesting and gaining approval of additional funds for the project in a future round.

Any approved funds that remain from a given round shall be carried over and available for the next round of approvals for Lake Tahoe Restoration Projects. If circumstances warrant, funding for cost overruns for Lake Tahoe Restoration Projects may be requested from the SNPLMA Special Account Reserve where such requests must be approved by the SNPLMA Executive Committee. Any such SAR funds which are made available will count toward the cumulative total funds to be made available for Lake Tahoe Restoration Projects pursuant to Appropriation Bill 108-108, Section 341 and 342 (2003).

C. Tahoe 1151 Transfer of Funds

The Federal agencies may request an “1151 Transfer” of funds from the SNPLMA Special Account directly to the agency where those funds are intended to be passed through to non-federal entities (e.g., local governments, environmental groups, etc.) similar to grant programs. The purpose of such “1151 Transfers” is to meet the requirement of “environmental payments” to non-federal entities under the Lake Tahoe Restoration Act (114 Stat. 2354). In accordance with that Act the total of “1151 Transfers” to meet this requirement shall be \$10 million annually. The “1151 Transfer” process requires the involvement of the BLM Washington Office to facilitate the transfer. In addition, investment of the funds by the Federal agency will be required if the funds are to be “held” by the agency any longer than one week before the pass

through to the recipient. Investment of funds in the SNPLMA Special Account is a requirement of the SNPLMA legislation.

D. Tahoe Sponsoring Federal Agency Responsibility

Each sponsoring Federal agency for Lake Tahoe will be responsible for implementing their respective projects. For example, the TRSC will develop a Request for Proposals (RFP) for its Research and Monitoring Projects that are part of the Final Recommendation approved by the Secretary once funding for Lake Tahoe Restoration Projects is available. The TRSC will then administer the review of these proposals and the oversight of the Research and Monitoring projects funded through the RFP. The Federal agencies will follow the process below for obtaining funds to implement approved projects.

E. Tahoe Requests for Additional Funds

If the total project costs exceed the original approved budget amount, any funds available from the current approved round as a result of other projects being terminated or actual costs being less than estimated may be made available to cover the higher than expected costs for other projects. In such cases as these, the PCT shall notify and present the issue to the Tahoe Regional Executive Committee (TREX) for final approval to utilize funds originally designated for another project. The agency will then submit its request for a task order amendment to increase available funds for the affected project to the BLM SNPLMA Division. . The request should include a copy of the TREX approval document and, if not included in that document, an explanation of project(s) from which funds are being diverted. This is critical in order for the NSO Division to adjust to ensure that all necessary task orders are amended to show the revised amounts available for the affected projects.

If additional funds are not available from other projects through the above process to cover cost overruns for Lake Tahoe Restoration Projects, Federal agencies may be request approval by the Executive Committee for additional funds from the SNPLMA Special Account Reserve (SAR) as explained earlier. The request must be submitted to the SNPLMA Division which will coordinate for Executive Committee for approval. SAR funds provided for Lake Tahoe projects will count toward the cumulative amount authorized for such projects pursuant to Appropriation Bill 108-108.

F. Tahoe Reprogramming of Approved Funds

The approved funding available for Lake Tahoe projects in each SNPLMA round may be reprogrammed from the Primary Category to the Secondary Category in the event that a project(s) in the Primary Category becomes infeasible or actual costs are less than estimated costs. In such event, the PCT shall notify and present the issue to the TREX for final approval. The agency will then submit its request for a task order amendment(s) to reduce funding or terminate funding for the affected Primary Category project(s) and create a task order for the Secondary Category project which is to be funded. The request shall include a copy of the TREX approval document and an explanation of which project(s) are impacted within each category (e.g., decreasing funds by a specific amount, terminating a project, etc.). This is critical

in order for the NSO Division create accurate obligations as well as to maintain accurate financial records and tracking documents as well as ensure that all necessary task orders are amended to show the revised amounts available for the affected projects.

G. Tahoe Requests for Change in Scope

If a project cannot be completed as described in the nomination and approved by the Secretary (reduced or altered scope), the Federal agency may elect to either terminate the project or request approval of a change in scope by the Tahoe Regional Executive Committee (TREX). Changes in scope are discouraged, as there is a responsibility to utilize funds to complete the project as approved by the Secretary. However, the TREX may consider extreme or unusual extenuating circumstances. Requests for approval of a change of scope should be made prior to the initial task order if at all possible, or as soon as circumstances preventing completion of the project as nominated and approved are known. Following TREX approval of a change in scope, the agency submits a request for an initial task order or request to amend the project task order to reflect the change in scope to the NSO Division of Support Services. The request must explain the change in scope, any impact on funding, source of any additional funds if such is needed, and include a copy of the TREX decision document authorizing the change in scope.

H. Tahoe Requests for Time Extensions

If the project cannot be completed by the date identified in the task order, the agency must request an Amendment to extend the Task Order. The request must be submitted to the SNPLMA Division and include a justification statement. The NSO Division can approve a one time extension request of six months or less for projects; however, the Tahoe Regional Executive Committee must rule on additional time extension requests and requests greater than six months.

I. Tahoe Reimbursement/Payment Documentation Package.

Reimbursement request packages are to be submitted to the USDA Forest Service designated representative. The USDA Forest Service will serve a role similar to a project inspector by certifying “acceptance of the project as a qualified restoration project under the applicable law(s).” For Round 5 projects where multiple IGOs were utilized, the USDA Forest Service representative will review the IGO reimbursement package and certify that the completed product/deliverable is acceptable and consistent with the scope of the approved project. The USDA Forest Service will then forward the reimbursement package along with its “Certification of Acceptability” or, if appropriate, statement regarding acceptability to the completed product/deliverable to the SNPLMA Division.

After Receipt of the reimbursement package and USDA Forest Service “Certification of Acceptability” of the project product/deliverable, the SNPLMA Division will review the reimbursement package to ensure (a) all necessary documents are included, (b) accuracy of mathematical computations, and (c) only reimbursement of necessary expenses are included. The SNPLMA Division will then authorize payment for necessary expenses and maintain a file of documents to support the disbursement from the Special Accounts. No funds will be reimbursed for expenditures made prior to the Secretary’s approval of the project. Any

exception to this rule would have to be approved by the Secretary through the Decision Document for the affected round. Necessary expenses incurred after the Secretarial approval, but prior to issuance of a notification of available funding are reimbursable.

There is more than one possible reimbursement mechanism. When a single task order is issued for the full amount available for the project, reimbursement may be made at the completion of the project. When agencies elect to utilize multiple task orders for larger or multi-year projects, reimbursement will be made upon completion of the end product/deliverable identified in each task order. In no case shall the receiving agency initiate a payment (IPAC transaction) prior to receiving notification that the NSO Division of Support Services has approved the reimbursement package for payment.

Virgin River MSHCP

Section 901 of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (P.L. 107-282) amends the Mesquite Lands Act by providing that the proceeds of sale of certain land to the City of Mesquite to be used first to develop a multispecies habitat conservation plan for the Virgin River and only after that plan is complete for the other project categories identified in SNPLMA. The FWS U.S. Fish & Wildlife Service has been selected to take the lead on development of a MSHCP for the Virgin River. FWS is eligible to receive funding for projects to develop a Virgin River MSHCP, however, nominations for Secretarial approval are not required since Congress designated the Mesquite Land Sale funds for this purpose. Therefore, no ranking criteria are provided as part of the SNPLMA Implementation Agreement. FWS is, therefore, the agency to which the IGOs (item number one in the flow chart) or transfers are issued to make funds made available for this task. Thus, the process for the Virgin River MSHCP projects began when the FWS submitted the required documentation for an IGO.

XIII. SPECIAL ACCOUNTS RESERVES (SAR)

During each Round, the Secretary may be asked to approve a specific amount as a reserve for each special account. The primary purpose of the Special Accounts Reserves (SAR) is to fund unexpected shortfalls between estimated and actual costs for approved projects. SAR funds may also be requested to respond to safety issues that pose an imminent threat and require immediate remediation, and respond to unique opportunities or unanticipated circumstances that require fast action. (Such requests for new urgent or emergency projects require Secretary approval.) SAR funds are expended as directed by the Executive Committee during the Round in which they were approved. When a new Round is approved, any funds not yet allocated or obligated from the previous Round's SAR become part of the revenue available to fund the new Round as approved by the Secretary.

Requests to Cover Unexpected Shortfalls Between Estimated and Actual Costs

SAR requests shall be submitted in writing to the BLM – Las Vegas Field Office Division of SNPLMA Acquisition, Improvement, and Conservation Programs. Requests should include an

explanation of the circumstances leading to the shortfall, any efforts taken to minimize the shortfall or otherwise achieve cost savings, and the amount required to complete the acquisition or project as approved by the Secretary. Agencies/entities should complete and submit the IGO/Task Order Modification Request Form found in Appendix K along with a transmittal letter briefly summarizing the request. (See Section X “Request for Additional Funds from Special Account Reserve for details on request requirements.) The SNPLMA Division will review the request and, if necessary, consult with the agency/entity to provide additional information or clarification in order for Appendix K to be fully responsive. If the request is determined to be appropriate, fully responsive, and consistent with the SNPLMA policies and procedures, the SNPLMA Division will approve within their delegated authority or forward pertinent documentation to the Working Group for action or recommendation to the Executive Committee for their consideration and decision.

Requests for additional funds associated with work outside the scope of the original approved project will not be accepted. Additional funds for changes in scope (see Section X, “Requests for Change in Project Scope”) will be limited to those scope changes required to complete the project as originally described, not to increase the size, function, level of finish, etc. of a project.

Requests for Special Account Reserve Funds for a New Urgent or Emergency Project

Funds from the Special Accounts Reserves (SARs – SNPLMA and FLTFA) may also be requested to serve as a response to urgent safety issues that pose an imminent threat and require immediate remediation, and respond to unique opportunities or unanticipated circumstances that require fast action.

The SAR is not meant to circumvent the normal nomination and approval process. Federal agencies and local and regional governmental entities should recognize that new acquisitions and projects funded from the Special Accounts Reserves will not have received the same kind of consultation, coordination and collaboration that occurs as a part of the normal nomination process. Thus, every attempt should be made to use the normal nomination process where possible.

Requests for funding of new projects or acquisitions from the SARs must include all the documentation required for a nomination of any type under the normal process. In addition, the request should include a cover letter which explains the special circumstances that warrant consideration for funding from the Special Account Reserve. Requests are to be submitted to the SNPLMA Division. This office will coordinate the quick review of the SAR request by the pertinent Subgroup and the Partners Working Group. Requests that are recommended by the Working Group are then forwarded to the Executive Committee for consideration and recommendation to the Secretary for approval.

XIV. PRE-PROPOSAL PLANNING RESERVE

During each Round, the Secretary may be asked to approve a specific amount as a reserve to pay for Pre-Proposal Planning. The Pre-Proposal Planning reserve is intended to provide funds

which can be expended at the discretion of the Executive Committee during the Round in which they were approved for future projects that fit within an authorized SNPLMA category. When a new Round is approved, any funds not yet allocated or obligated from the previous Round's PPP reserve become part of the revenue available to fund the new Round as approved by the Secretary. The purpose of the Pre-Proposal Planning Reserve is:

“To fund feasibility and pre-proposal conceptual design for the purpose of developing more accurate information on the scope of work, detailed cost estimates, and time frames required to complete projects which will be nominated in FUTURE ROUNDS [emphasis added].”¹

“The ability to do pre-proposal planning will help ensure projects can be completed as nominated within the budget request and help reduce the need for changes in scope [, time extensions,] and additional funds due to critical elements or costs that weren't appropriately addressed in the nomination. This reserve will be available to all expenditure categories except MSHCP and Lake Tahoe Restoration Projects which already have a detailed pre-proposal development process in place.”²

Process for Requesting Pre-Proposal Planning Funds

A Request for a funds for a Pre-Proposal Planning (PPP) project may be submitted at any time following the Secretary's approval to the SNPLMA Division until the reserve is exhausted. The SNPLMA Division will review the requests and forward them to the Partners Working Group. The Partners Working Group will review the forward PPP requests, as a group, at least quarterly and make a determination for recommendation to the Executive Committee. PPP requests shall be submitted in writing to the Assistant Field Manager, BLM Las Vegas Field Office, Division of SNPLMA Acquisition, Improvement, and Conservation Programs (SNPLMA Division). Requesting agencies/entities must complete a request form (see attached) that includes:

- A. Name of Agency/Entity Making Request;
- B. Title of the Request;
- C. Point of Contact with Phone Number;
- D. Estimated Duration of the PPP planning/feasibility study;
- E. The Amount of the Request;
- F. The Appropriate Assistance Agreement Number if the Request is from a Local or Regional Governmental Entity;
- G. The Expenditure Category for which PPP funds are being requested;
- H. A Brief Description of the Project for which the Pre-Proposal Planning Funds are Requested;
- I. Description of the Planning/Feasibility Work to be Performed;
- J. Description of Need/Justification and Objectives of the Planning/Feasibility Study;
- K. Description of Deliverables/Requirements;
- L. Description of the Review and Approval Process that will be Used to Evaluate the Deliverables;

¹ Excerpted from the Round 6 Final Recommendation submitted to the Secretary of the Interior dated January 25, 2006, and approved by the Secretary on February 7, 2006.

² Ibid.

- M. Whether the Project for which PPP Funds are Requested will be an Additional Phase of a Previously Approved Project; if yes, Provide the Total Funding Already Provided for, and the Status of, the Previous Phase(s); and
- N. Signature of the Appropriate Agency/Entity Management Official.

- **A completed cost estimate sheet for necessary expenses.** (See PPP Effort Estimated Necessary Expense form, Appendix J-1)
- **An 8-1/2" by 11" map showing the location of the anticipated project.** If the anticipated project for which PPP funds are being requested will be an additional phase of a previously approved project, the map should also show the location(s) of the previous phase(s) if different from the location of the anticipated project.

Additional Guidelines and Restrictions Regarding Pre-Proposal Planning Funds

- The PPP reserve shall not circumvent the normal nomination and approval process for projects. PPP funds are intended, for example, to be used to conduct the work required to do pre-proposal planning for feasibility, cost estimation, conceptual design, time lines, etc. for future projects only (see appendix J-1 PPP Estimated Necessary Expense form). Inclusion of work to review the planning, design, and construction of a previous phase(s) of a multi-phased project is allowed only to the extent absolutely necessary in order to conduct valid pre-proposal planning for the anticipated project as an additional phase. If the result of the PPP initiative determines that previously approved phases of the anticipated project need to be redesigned or altered, the agency/entity should request funds for that purpose from the Special Account Reserve (SAR).
- Approval of PPP funding, or completion of the PPP effort, cannot be construed in any way as an indication that the future project nomination package, if any, will be acceptable, or, if accepted, that the nominated project would be either recommended or approved. The SNPLMA Division, the Working Group, the Executive Committee, and the Secretary are not legally, or otherwise, bound to accept, recommend, or approve any project resulting from PPP efforts.
- Approval of PPP funding does not earn additional ranking points or any kind of priority for the associated project once nominated. Each project nomination will be reviewed, scored, and ranked on its own merit.
- If the results of the PPP initiative is a decision that the anticipated project is not feasible, the agency/entity shall so advise the appropriate SNPLMA Division program manager in writing, who will forward the results through the Assistant Field Manager to the Executive Committee. There is no expectation that anticipated projects deemed to be impractical, too expensive, too time consuming, too costly to operate and/or maintain, or otherwise infeasible for any reason must be brought forward for nomination.
- Approved PPP planning/feasibility studies shall not be eligible for changes in scope or additional funding. If a requesting agency/entity determines that the original request was

inadequate to determine the feasibility, scope, cost, and timing for the associated project, a new request for additional PPP funding will have to be submitted as described above.

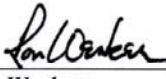
- Upon completion of the PPP planning/feasibility process, a findings summary will be submitted in writing to the appropriate SNPLMA Division program manager and retained in the project file in support of the reimbursements/payments made. The documentation and information required in the findings summary will be identified on a case-by-case basis in the IGO or task order and will be dependent upon the nature of the PPP planning/feasibility study.
- The findings summary and appropriate supporting documents, reports, preliminary designs, etc. shall be included as attachments to the project nomination package resulting from the PPP project, if an associated project nomination is submitted.
- Payment/Reimbursement procedures will adhere to the standard category policies and procedures as outlined in the SNPLMA Implementation Agreement.
- Quarterly written status reports will be submitted to the appropriate SNPLMA program manager for inclusion in the SNPLMA Division Quarterly Status Report for projects.
- The PPP planning/feasibility effort must be completed and all reporting documentation submitted and accepted by the SNPLMA Division before a nomination of the associated project will be accepted in a future round of SNPLMA.

Funding Pre-Proposal Planning Projects

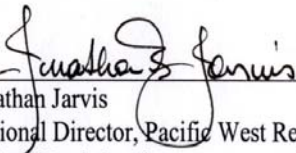
Eligible agencies/entities may request PPP reserve funds for an approved PPP project through the approved Transfer Process or request funding by reimbursement through an Inter-Governmental Order (IGO) pursuant to the Economy Act. Local and regional governmental entities may request approved PPP funds through a cooperative agreement. If funding is provided through an IGO, the agency/entity should request periodic reimbursement of necessary expenses (see Appendix J-1) at logical stages of the PPP effort by submitting a reimbursement package according to the requirements and documentation required for other types of projects as outlined in the SNPLMA Implementation Agreement.

Expenses incurred for the PPP planning/feasibility process prior to Executive Committee approval of the PPP request are not reimbursable. If the agency/entity incurs necessary expenses for the PPP planning/feasibility process following approval of the PPP request by the Executive Committee but prior to availability of funds in the SNPLMA Special Account, prior to a fully executed task order or IGO, or prior to the Transfer of approved PPP funds, those necessary expenses are still reimbursable.

XV. APPROVALS

Approved:  6/7/06
Ron Wenker
State Director, Nevada
Bureau of Land Management
Date

Approved:  6/07/2006
Steve Thompson
Manager, California/Nevada Operations Office
U.S. Fish and Wildlife Service
Date

Approved:  6/7/06
Jonathan Jarvis
Regional Director, Pacific West Region
National Park Service
Date

Approved:  6/7/06
Jack G. Troyer
Regional Forester, Intermountain Region
USDA Forest Service
Date

Appendix A

DEFINITIONS

As used in this Implementation Agreement

1. The term “**Agency**” refers to those Federal agencies eligible to receive funding through SNPLMA and/or FLTFA to carry out projects approved by the Secretaries of the Interior and Agriculture.
2. The term “**Agreement**” means the agreement entitled “The Interim Cooperative Management Agreement between the United States Department of the Interior - Bureau of Land Management and Clark County,” dated November 4, 1992.
3. The term “**Budget Reallocation (BRA)**” means the process or funds from within a project category which the SNPLMA Executive Committee has authorized to be used for an approved project other than the project for which the funds were originally intended. BRA requests may be submitted and approved only after all approved projects have received notification of availability of funds. Thereafter, any remaining budgeted funds (“excess budgeted funds”) within a category may be reallocated with approval of the Executive Committee to cover cost over runs for approved projects within that category, but only under a new Round is approved. When a new Round is approved any remaining excess budgeted funds from prior Rounds will be carried over into the new Round of approvals within the same category.
4. The term “**Cooperative Agreement**” means those master Assistance Agreements executed between the BLM and each of the local and regional governmental entities to meet the requirement of the SNPLMA legislation that funds for park, trail, and natural area projects must be provided “pursuant to a cooperative agreement” with the local and regional governmental entities.
5. The term “**Direct Labor**” means payroll expenses for agency/entity employees to perform the projects (e.g., do the monitoring, construct the trail, etc.)
6. The term “**Disbursement**” when used relative to local and regional governmental entities means to issue a check or initiate an electronic funds transfer payment for necessary expenses following acceptance and approval of required documentation.
7. The term “**Entity**” refers to those local and regional governmental entities defined in the SNPLMA legislation as eligible for funding for Park, Trail, Natural Area projects and MSHCP.

8. The term “**Fully Loaded Rate**” in reference to payroll as a necessary expense, refers to the hourly rate incurred by the agencies/entities to cover the hourly labor charge as well as the associated cost of benefits and employer taxes.
9. The term “**1151 Transfer**” is synonymous with the term “transfer of funds” as used herein to describe the approved process for transfer of funds from the BLM allocation account to the allocation accounts set up by OMB for the FWS, FS, and NPS under the “parent-child” relationship.
10. The term “**FLTFA Account**” means the Special Account established under section 206(a) of the Federal Land Transaction Facilitation Act.
11. The term “**FLTFA MOU**” means the Memorandum of Understanding for Interagency Implementation of the Federal Land Transaction Facilitation Act of 2000, effective May 5, 2003.
12. The term “**IPAC**” means Intra-Governmental Payment and Collection system. The “seller” agency identified on the Intra-Governmental Order (IGO) initiates the IPAC billing for reimbursements under the IGO. The “seller” agency is the agency receiving SNPLMA funds to complete an approved project. IPAC bill transactions automatically and electronically retrieve funds from the agency being billed. IPAC bills submitted prior to approval by the BLM Contracting Officer following acceptance of a reimbursement package by the SNPLMA division will be reversed so that the funds are returned to the Special Account until the reimbursement approval process has been satisfactorily completed.
13. The term “**New Allowed Cost (NAC)**” means Round 4 SAR funds authorized by the Executive Committee and/or Round 5 line-item funds approved by the Secretary for PTNA projects, for the purpose of paying project costs which were newly identified in Round 4 as reimbursable to recipient agencies/entities. The term New Allowed Cost is used to identify a class of funds approved by the Secretary which are not project specific, and to distinguish these “SAR” funds as remaining available for the approved purpose until fully utilized or no longer needed. This is in contrast to any remaining balance of Round 4 SAR funds which were no longer available as soon as the Secretary of Interior approved the Round 5 budget.
14. The term “**Other Direct Labor**” means those administrative payroll expenses which were approved in June 2004 as part of the “New Allowed Costs.” These Other Direct Labor cost are identified separately from the Direct Labor costs on the Estimated Necessary Expense Sheets because there was special NAC funding provided by the Executive Committee to cover these costs, so they need to be able to be tracked separately until all impacted projects are completed.
15. The term “**Project**” means any undertaking, including acquisition of environmentally sensitive land, of any qualified Federal agency or local or governmental entity which is either nominated/proposed for approval or approved for funding by the Secretaries under any category for which SNPLMA funds may be provided (land acquisitions, capital improvements, conservation initiatives, etc.).

16. The term “**Recreation and Public Purposes Act**” refers to the Act entitled “An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes,” approved June 14, 1926 (43 U.S.C. 869 et seq.).
17. The term “**Regional Governmental Entity**” means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Sanitation District formerly referred to as the Clark County Water Reclamation District.
18. The term “**Relocation Assistance**” refers to payments made to displaced persons who must move from SNPLMA acquired lands (whether environmentally sensitive or PTNA acquisitions). Such displaced persons are defined in the Uniform Act and payments made are pursuant to the requirements and limitations of that Act.
19. The term “**SNPLMA Assistance Agreement**” means the master Assistance Agreement (Form 1511-1 and terms and conditions) executed between the BLM and each local and regional governmental entity to provide SNPLMA funds for park, trail, and natural area projects, which agreements meet the requirement in the Southern Nevada Public Land Management Act that development of park, trail, and natural area projects be “pursuant to a cooperative agreement” with the local and regional governmental entities.
20. The term “**Special Account**” means one of the accounts in the Treasury of the United States established under the Southern Nevada Public Land Management Act and the Federal Land Transaction Facilitation Act.
21. The term “**SNPLMA Special Account**” means the Special Account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act.
22. The term “**Transfer of Funds**” is synonymous with “1151 Transfer of Funds” for funds being transferred from the BLM allocation account to the allocation accounts of the National Park Service, Fish and Wildlife Service, and USDA Forest Service under the “parent child” relationship established by the BLM and OMB. Such funds are transferred in accordance with the Transfer Process approved in this Agreement.
23. The term “**Uniform Act**” refers to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24, Final Rules Effective February 3, 2005). This act sets out the definition of displaced persons (e.g., certain tenants, businesses, etc.) eligible for relocation assistance when required to move as a result of Federal acquisition of land or Federally funded acquisition of land. Owners who are willing sellers are not entitled to relocation assistance so long as condemnation under the Right of Eminent Domain was not utilized and there was no threat that it could be utilized in making the acquisition. Because SNPLMA requires willing sellers and does not pay/reimburse expenses incurred as a result of acquisition by condemnation or threat of condemnation, no owners of SNPLMA acquired property would be eligible for relocation assistance. However, other persons or businesses residing or operating on the acquired property may be eligible for relocation.

24. The term “**Unit of Local Government**” means Clark and Lincoln Counties, City of North Las Vegas, City of Las Vegas, and City of Henderson.

Appendix B

NECESSARY EXPENSES

Necessary Expenses in General

In addition to the necessary expenses itemized for each category below, the Executive Committee has authorized certain “Other Necessary Expenses” (see Appendix B-1 to B-8 for estimated expense sheets and appendix B-9 for examples of “Other Necessary Expenses.”) Disputes between any agency/entity and the SNPLMA Division over whether or not a requested expense is authorized will be resolved by the Executive Committee.

For a cost to be considered a necessary expense of the project, it must meet three criteria:

- 1. The expenditure must “make a direct contribution to carrying out the appropriation” which in the case of SNPLMA and FLTFA are expenditures authorized by Congress in SNPLMA and FLTFA legislation as reflected in the projects and acquisitions approved by the Secretary of the Interior and Secretary of Agriculture;**
- 2. The expenditure must not be prohibited by law; and**
- 3. The expenditure must not be covered by another more specific source of funding, i.e., the specific approved project or acquisition must not be provided for in another appropriation or statutory funding scheme.**

Although there is no distinction between direct and indirect costs in “necessary expenses” doctrine, the expenses charged by the agencies/entities must be tied to a specific project and tracked by project. Federal agencies and local and regional governmental agencies shall not seek, and the BLM will not pay, agency/entity standard overhead percent based on the total project cost. Federal agencies and local and regional governmental agencies are solely responsible for seeking any waivers from their headquarters and resolving any issues internally regarding not being allowed to assess such standard overhead charges. However, project-related indirect costs for support services may be charged at a percent based on staff time spent on the project(s), provided these expenses meet the three criteria above. Examples of such indirect costs would be secretarial support, printing, copying, cost-center expenses, etc. (See Appendix B-9 for other examples of necessary expenses.)

Necessary expenses incurred under the Acts included in this Implementation Agreement will be payable/reimbursable from the Special Accounts up to the amount available per project or acquisition as approved in the decision document signed by the Secretary of the Interior, plus any additional funding approved by the Executive Committee through the SAR or Budget Reallocation through the processes described earlier in this Agreement. Payroll as a necessary expense will be charged at the fully loaded rate which includes the agency’s/entity’s costs for taxes and benefits.

Payment/Reimbursement of the necessary expenses listed for each category below shall be made subject to the limitations, restrictions, and requirements explained elsewhere throughout this document.

1. Land and Interest in Land Acquisition Necessary Expenses

Unless otherwise noted, the following necessary expenses may be paid/reimbursed under both the SNPLMA and FLTFA, limited as explained above.

- Acquisition Purchase Price (the amount paid/reimbursed by SNPLMA may not exceed the federally approved appraised value);
- Appraisal. (The cost of one appraisal and, if approved in advance by the SNPLMA Division, one update of that appraisal by the same firm, if despite the agency's best efforts, the appraisal validity period expires prior to completion of the acquisition. The Executive Committee can waive this rule to allow a second appraisal by the same firm if extenuating circumstances warrant. Failure to agree on the purchase price is not, in itself, adequate justification for an updated or second appraisal.)
- Land boundary survey costs
- Environmental Site Assessment (hazardous materials assessment)
- NEPA costs (NEPA costs are not reimbursable under the FLTFA)
- Water Rights Report and Analysis (to verify transferability of water rights, amount, type, etc.)
- Mineral Potential Report (only when authorized in advance by the SNPLMA Division as being cost effective; disputes will be resolved by the Executive Committee. Mineral exploration (drilling & testing) is not reimbursable).
- Cost of Title Evidence
- Escrow Fees, Recording Fees, and Miscellaneous Closing Costs;
- Cost of Owner's Title Insurance
- The pro-rata share of any pre-paid real property taxes or assessments;
- Penalty costs and other charges for prepayment of any pre-existing recorded mortgage, deed of trust, or other security instrument that encumbers the real property;
- Relocation Assistance Payments to Eligible Displaced Persons under the Uniform Act
- Direct Federal labor or Contracted Labor Cost for activities necessary to complete the acquisition and/or to reach a decision as to whether or not the acquisition can be completed. This includes such things as: title records management; review of title documents (land, water, mineral, etc.) as well as legal description verification; preparation and review of appraisals, environmental and hazardous substance reports, water rights analyses, mineral rights analyses for title purposes, and surveys; and preparation of requests for preliminary and final title opinion, conveyance documents, and escrow closing instructions; as well as payroll for agency personnel (e.g., contracting officer) and COR to procure and administer acquisition contracts [not allowed for FLTFA acquisitions]
- Travel, including per diem, when official travel status is required for agency personnel to perform case management (e.g., experts to review contracted appraisals, etc.) [not allowed for FLTFA acquisitions]*

- Pro rata cost for use of Official Vehicles when required to carry out case management (e.g., site inspections required for document preparation or experts to review reports, etc.) [not allowed for FLTFA acquisitions]*
- Other Necessary Expenses (see Appendix B-9 for examples)

2. Capital Improvement Necessary Expenses

- Planning, Environmental Compliance, and Preconstruction Engineering & Design (contracted and/or direct labor services), which include the following:
 - ⇒ Pre-design (sketches & conceptual drawings)
 - ⇒ Environmental assessment and permitting including NEPA and specialist surveys/reports for archaeology, wildlife, biology, etc.
 - ⇒ Architectural and engineering analysis, design, surveying and other field investigations
 - ⇒ Construction drawings, specifications, cost estimates, engineering technical reports
- Construction Costs, including the following:
 - ⇒ Construction Contract (labor, supplies & materials, equipment, construction management, etc.)
 - ⇒ Sampling/testing
 - ⇒ Site Restoration
 - ⇒ Government-furnished supplies and materials
 - ⇒ Direct labor (payroll) for personnel to perform the project if not contracted
- Project Equipment (see guidelines in section 8 below)
- Travel, including per diem, when official travel status is required for agency personnel to perform the project (e.g., act as COR, experts to review contracted reports, etc.)
- Pro rata cost for use of Official Vehicles when required to oversee the project or for agency personnel to perform the actual work of the project
- Direct labor (payroll) for the following services:
 - Agency personnel (e.g., contracting officer) performing required project procurements
 - Contracting officer's representative (COR)
 - Project inspector (PI)
 - Agency personnel assigned as NEPA lead
 - Agency personnel assigned to review contracted surveys, designs/drawings, reports, etc., including travel and per diem when agency experts must be in official travel status to perform such reviews,
 - Project manager and/or project supervisor
- Contracted costs for project manager and/or project supervisor
- Other Necessary Expenses (See Appendix B-9 for examples)

Planning, Environmental Compliance and Pre-Construction Engineering & Design Cap. This first expense category may not exceed 27% of the total project cost. This percentage has been established based in large part on a National Academy of Public Administration evaluation of construction cost categories prepared in conjunction with a review of the National Park Service's construction program in 1998 and 2002. However, because smaller projects may have disproportionately higher costs for tasks such as environmental compliance, an agency may

submit nominations based on a programmatic application of the percentage where proposed projects with a lower percentage for this cost category would be cited to balance out projects with a higher percentage for this cost category. If this option is utilized, the average expenditure for this category over all agency projects approved in a given round cannot exceed 27%. For rounds in which this option is utilized, the agency will certify as part of each task order request for projects within the round that this expenditure has been evaluated and the average percentage is being maintained at no more than 27%. The Executive Committee reserves the right to waive this business rule if extenuating circumstances warrant.

Use of Direct Labor. Agencies are encouraged to contract with the private sector for services associated with the design and construction of projects, however, where it is in the best interest of and creates the best value for the government, reimbursement of certain direct labor and other costs may be authorized, including construction work performed by agency in-house construction crews. These costs may include salary, materials, supplies and equipment expenses directly related to the project. Utilization of direct labor shall be indicated as part of the nomination package cost estimate if possible. Utilization of direct labor must be indicated on the cost estimate sheet submitted with the IGO/task order or transfer request. If a determination is made to utilize direct labor after the IGO/task order or transfer is initiated, a request to amend the IGO/task order along with a revised estimated necessary expense sheet must be submitted to the BLM's SNPLMA Division.

A determination that the use of direct Federal labor for carrying out the project is in the best interest of and creates the best value for the government will be made by the Federal agency implementing the project. The determination must be supported by a written justification signed by an authorized agency official and submitted with the task order request. Justification for use of Federal direct labor for a project must relate specifically to the project and may include reasons of cost effectiveness, resource protection, visitor safety, visitor convenience, security, timeliness of implementation, or other such considerations.

If any question or disagreement arises between the requesting Federal agency and the SNPLMA Division regarding the justification provided for utilization of direct Federal labor, the Executive Committee retains the authority to make the final decision regarding use of direct Federal labor.

3. Park, Trail and Natural Area Necessary Expenses of Acquisition of Land and Interests in Land

- Acquisition Purchase Price (The amount paid/reimbursed by SNPLMA may not exceed the approved appraised market value of the land, easement, or right of way.)
- Appraisal. (Appraisals must be consistent with Uniform Appraisal Standards for Professional Appraisal Practices (USPAP) and Uniform Appraisal Standards for Federal acquisitions. The cost of one appraisal and, if approved in advance by the SNPLMA Division, one update by the same firm if, despite the entity's best efforts, the validity period of the appraisal expires before the acquisition can be completed. The Executive Committee can waive this rule to allow a second appraisal by the same firm if extenuating circumstances warrant. Failure to agree on the purchase price is not, in itself, adequate justification for an updated or second appraisal.)

- Land Boundary Survey Costs
- Phase I Environmental Site Assessment and, if required, NEPA costs
- Water Rights Analysis (to verify transferability of water rights, amount, type, etc.)
- Mineral Potential Report (Only reimbursed when authorized in advance by the SNPLMA Division as being cost effective; disputes will be resolved by the Executive Committee. Mineral exploration (drilling & testing) is not reimbursable)
- Cost of Title Evidence
- Escrow Fees, Recording Fees, and Miscellaneous Closing Costs;
- Cost of Owner's Title Insurance
- The pro-rata share of any pre-paid real property taxes or assessments
- Other miscellaneous closing costs
- Penalty costs and other charges for prepayment of any pre-existing recorded mortgage, deed of trust, or other security instrument that encumbers the real property
- Relocation Assistance Payments to Eligible Displaced Persons under the Uniform Act
- Direct labor or contracted labor cost for activities necessary to complete the acquisition and/or to reach a decision as to whether or not the acquisition can be completed. This includes such things as: title records management; review of title documents (land, water, mineral, etc.) as well as legal description verification; preparation and review of appraisals, environmental and hazardous substance reports, water rights analyses, mineral rights analyses for title purposes, and surveys; and preparation of requests for preliminary and final title opinion, conveyance documents, and escrow closing instructions; as well as payroll for agency personnel (e.g., contracting officer) and COR to procure and administer acquisition contracts
- Travel, including per diem, when official travel status is required for entity personnel to perform case management (e.g., experts to review contracted appraisals, etc.)
- Pro rata cost for use of Official Vehicles when required to carry out case management (e.g., site inspections required for document preparation or experts to review reports, etc.)
- Other Necessary Expenses (see Appendix B-9 for examples)

4. Park, Trail, and Natural Area Necessary Expenses

- Planning, Environmental Compliance, and Preconstruction Engineering & Design (contracted and/or direct labor services), which include the following:
 - ⇒ Pre-design (sketches & conceptual drawings)
 - ⇒ Environmental assessment and permitting including NEPA and specialist surveys/reports for archaeology, wildlife, biology, etc.
 - ⇒ Architectural and engineering analysis, design, surveying and other field investigations
 - ⇒ Construction drawings, specifications, cost estimates, engineering technical reports
- Construction Costs, including the following:
 - ⇒ Construction Contract (labor, supplies & materials, construction management, etc.)
 - ⇒ Sampling/testing
 - ⇒ Site Restoration
 - ⇒ Local/Regional government-furnished supplies and materials
 - ⇒ Direct labor (payroll) for personnel to perform the project if not contracted
- Project Equipment (see guidelines in section 8 below)

- Pro rata cost for use of Official Vehicles when required to oversee the project or for local/regional governmental personnel to perform the actual project work
- Other Direct labor (payroll) for the following services:
 - Agency personnel (e.g., contracting officer) performing required project procurements
 - Contracting officer's representative (COR)
 - Project inspector (PI)
 - Local/Regional government personnel assigned as NEPA lead
 - Local/Regional government personnel assigned to review contracted surveys, designs/drawings, reports, etc.
 - Project manager and/or project supervisor
- Contracted costs for project manager and/or project supervisor
- Other Necessary Expenses (see Appendix B-9 for examples)

The guidelines under section "2" above pertaining to the 27% percent cap on "Planning, Environmental Compliance, and Preconstruction Engineering & Design" and to utilization of direct labor also apply to Park, Trail, and Natural Area projects.

5. MSHCP Necessary Expenses

- Planning and environmental assessment costs (specialist surveys/reports including cultural resources, archaeology, wildlife, biology, environmental documentation including NEPA, if required, etc.)
- Direct labor (payroll) for personnel to perform the work if not contracted
- Project Equipment (see guidelines in section 8 below)
- Travel, including per diem, when official travel status is required for agency personnel to perform the project (e.g., act as COR, experts to review contracted reports, etc.)
- Pro rata cost for use of Official Vehicles when required to oversee the project or for local/regional governmental or agency personnel to perform the actual project work
- Costs of contracts, grants and/or agreements to perform project
- Other Direct labor (payroll) for the following services:
 - Agency/Entity personnel (e.g., contracting officer) performing required project procurements
 - Contracting officer's representative (COR)
 - Project inspector (PI)
 - Agency/entity personnel assigned as NEPA lead
 - Agency/entity personnel assigned to review contracted surveys, designs/drawings, reports, etc.
 - Project manager and/or project supervisor
- Contracted costs for project manager and/or project
- Other Necessary Expenses (See Appendix B-9 for examples)

The guidelines under section "2" pertaining to the 27% percent cap on "Planning, Environmental Compliance, and Preconstruction Engineering & Design" and utilization of direct labor also apply to MSHCP projects.

6. Conservation Initiative Necessary Expenses

- Planning and environmental assessment costs (specialist surveys/reports including cultural resources, archaeology, wildlife, biology, environmental documentation including NEPA, if required, etc.)
- Direct labor (payroll) for personnel to perform the work if not contracted
- Direct labor for one dedicated lead/team member from each involved agency
- Project Equipment (see guidelines in section 8 below); includes specialized equipment, uniforms, weapons, etc. required for resource protection positions funded through a project
- Government-furnished supplies and materials
- Travel, including per diem, when official travel status is required for agency personnel to perform the project (e.g., to act as COR, travel by experts to review contracted reports, etc.)
- Pro rata cost for use of Official Vehicles when required to oversee the project or for agency personnel to perform the actual project work
- Cost associated with required training for resource protection positions funded through a project
- Cost of contracts, grants and agreements to perform project
- Other Direct labor (payroll) for the following services:
 - Agency personnel (e.g., contracting officer) performing required project procurements
 - Contracting officer's representative (COR)
 - Project inspector (PI)
 - Agency personnel assigned as NEPA lead
 - Agency personnel assigned to review contracted surveys, designs/drawings, reports, etc.
 - Project manager and/or project supervisor
- Contracted costs for project manager and/or project supervisor
- Other Necessary Expenses (see Appendix B-9 for examples)

The guidelines under section “2” above pertaining to utilization of direct labor also apply to Conservation Initiative projects. Conservation Initiatives do not have a construction component so the 27% cap on “Planning, Environmental Compliance, and Preconstruction Engineering & Design” does not apply.

7. Lake Tahoe Restoration Project and Environmental Improvement Necessary Expenses

- Planning, environmental assessment, and Research costs (specialist surveys and reports, -- including cultural resources, archaeology, wildlife, biology, etc., -- monitoring, data collection, analysis, NEPA, etc.)
- Agency/entity payroll for personnel to perform the project
- Project Equipment (see guidelines below); includes specialized equipment, tools, software
- Travel, including per diem, when official travel status is required for agency personnel to perform the project (e.g., act as COR, experts to review contracted reports, etc.)
- Pro rata cost for use of Official Vehicles when required to oversee the project or for agency personnel to perform the actual project work
- Cost of contracts, grants and/or agreements to perform project

- Other Direct labor (payroll) for the following services:
 - Agency/entity personnel (e.g., contracting officer) performing required project procurements
 - Contracting officer's representative (COR)
 - Project inspector (PI)
 - Agency/entity personnel assigned as NEPA lead
 - Agency/entity personnel assigned to review contracted surveys, designs/drawings, reports, data, perform analysis of data, etc.
 - Project manager and/or project supervisor
- Contracted costs for project manager and/or project supervisor
- Other Necessary Expenses (see Appendix B-9 for examples)

8. Project Equipment as a Necessary Expense

SNPLMA funds are not “grant” funds, but rather are Federal funds approved by the Secretary of the Interior to be expended on a per project basis for project-related necessary expenses only. Once the per-project costs are approved by the Secretary, the funds are deemed appropriated for those projects. Therefore, special consideration should be given in making decisions for acquiring and utilizing equipment necessary for completion of an approved project. SNPLMA can reimburse only those equipment costs directly associated with completion of the approved project.

A. Newly Acquired Equipment. Project Equipment newly acquired with SNPLMA funds is intended to be used solely for the project for which it was acquired throughout the duration of the project. Agencies are expected to follow all agency policies and procedures for acquisition of equipment (e.g., vehicles, IT equipment, etc.). Leasing equipment is preferred over purchase of equipment. Leased equipment must be leased solely for use by the approved project and only for the time period the equipment will actually be needed for the project or the minimum time period allowed by the vendor selected by the contracting officer. If purchasing equipment is less expensive than leasing the equipment for the time period needed for the project, thus resulting in a cost savings over leasing, then the purchase price of the equipment will be fully reimbursable even if the equipment will be used elsewhere after it's no longer needed for the approved project. In this instance, no reimbursement to the SNPLMA account will be required regardless of the value of the equipment upon completion of the project (see below) due to the overall cost savings compared to leasing.

B. Previously Acquired Equipment. Previously leased equipment may be reimbursed if the equipment will be partially used, or solely used for a specified time, by an approved project. Such reimbursements for previously leased equipment will be in proportion to the percentage utilized for the approved project (e.g., 50% project usage will result in a 50% reimbursement) only for those lease payments covering the time period the equipment is used by the project. Equipment previously acquired by purchase which is used on a project will not receive any reimbursement of purchase price already paid.

C. Disposition of Equipment upon Project Completion. Upon completion of the project, if the current value of purchased equipment is less than \$5,000, the equipment may be retained by the

recipient with no obligation to refund the SNPLMA Special Account. This guideline is based on regulations in 43 CFR, Part 12, Subpart C §12.72(e)(1). However, if the “per unit fair market value” of purchased equipment is more than \$5,000 at the time of completion of the project, the CFR states that the grantor is entitled to recover its “ownership” share of that value. Therefore, if SNPLMA fully funds the purchase of the equipment and current value is more than \$5,000, the current value of the equipment will be a deduction in the final reimbursement amount for the project. If another funding source is utilized for a portion of the equipment purchase, the deduction will be prorated based on the percentage of SNPLMA funds used for the purchase. As explained above, this policy will not apply where outright purchase of equipment resulted in a cost savings over leasing the project equipment when the lease would have been for the sole use of the project and only for the time period required by the project.

D. Equipment Management. Federal agency rules and regulations must be followed in managing, maintaining, securing, and inventorying Project Equipment. In the event purchased equipment is to be used for more than one approved project, the cost must be distributed as applicable between the multiple projects with appropriate prorated reimbursement made from the funds obligated for each project. When equipment is leased, the lease should be terminated upon completion of the project or lease costs transferred to another funding source. SNPLMA cannot reimburse costs for equipment required as part of the operation and management of projects.

E. Documentation for Reimbursement. When requesting reimbursement for Project Equipment, the requestor must (a) identify the equipment and its project function, (b) certify the percent utilized by the project and the time period required by the project, (c) note whether equipment is previously leased, newly leased or purchased, and (d) explain circumstances where purchase resulted in cost saving over leasing. Upon completion of the project, the final reimbursement request should, in the case of purchased equipment, certify the “per unit fair market value” including the source or method for determining the value and make appropriate deductions if necessary, or, in the case of leased equipment, certify that the lease has been terminated and/or lease costs transferred to another funding source.

9, Pre-Proposal Planning Necessary Expenses.

Necessary expenses for Pre-Proposal Planning funds used for feasibility studies to determine the parameters of a future nomination shall not include any construction or active-construction related costs. The pre-proposal planning necessary expenses are provided in Appendix J-1. Although some of the examples of Other Necessary Expenses contained in Appendix B-9 would apply, none of those which are or would be associated with an on-going construction project apply to pre-proposal planning efforts.

Appendix B-1

SNPLMA LAND ACQUISITION PROJECT ESTIMATED NECESSARY EXPENSES

Property Name: _____ Agency: _____ Date: _____
 Project #: _____ Priority #: _____
 Prepared by: _____ Phone: _____

Bureaus agree to furnish the necessary equipment, materials, facilities, services, personnel, and other costs except as specified below:

1. Land Purchase Price (Not to exceed fair market value)	\$ _____	_____ %
2. Appraisal	\$ _____	_____ %
3. Land/Boundary Survey	\$ _____	_____ %
4. Environmental Site Assessment and NEPA	\$ _____	_____ %
5. FWS Consultation—Endangered Species Act	\$ _____	_____ %
6. Water Rights or Mineral Analysis (for Title Purposes)	\$ _____	_____ %
7. Mineral Potential Report (Prior approval required)	\$ _____	_____ %
8. Title Report, Escrow Fees, Misc. Closing Costs	\$ _____	_____ %
9. Recording Fees	\$ _____	_____ %
10. Pro-rata Share of Any Pre-Paid Property Taxes or Assessments	\$ _____	_____ %
11. Penalty Costs and Other Charges for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumbers the real property	\$ _____	_____ %
12. Relocation Payments to Eligible Tenants	\$ _____	_____ %
13. Direct Labor or Contracted Labor Costs: For activities necessary to complete the acquisition and/or to reach a decision as to whether or not the acquisition can be completed such as title records management; review of title documents (land, water, mineral, etc.), legal description verification; preparation and review of technical reports such as appraisals, ESA, water rights, mineral rights analyses for title purposes, surveys; preparation of requests for preliminary and final title opinion, preparation of conveyance documents, and escrow closing instructions; negotiating/resolution of rights to be acquired	\$ _____	_____ %
14. Travel including per diem, when official travel status is required for agency personnel to perform case management (e.g., experts to review contracted appraisals, etc.)	\$ _____	_____ %
15. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out case management)	\$ _____	_____ %
16. Other Necessary Expenses (See Appendix B-9)	_____	_____ %
17. Balance of Contingency Funds (This line is not used during the nomination process; use only following Secretarial approval when requesting an IGO/task order or 1151 transfer.	\$ _____	_____ %
TOTAL*:	\$ _____	_____ %

*Total dollar percentage may be 100% of amount approved by the Secretary plus any contingency percentage approved by the Secretary for projects in a given round.

COMMENTS:

Appendix B-2

FLTFA LAND ACQUISITION PROPOSAL ESTIMATED NECESSARY EXPENSES

Parcel Name: _____ Agency: _____ Date: _____
Prepared by: _____ Phone: _____

Bureaus agree to furnish the necessary equipment, materials, facilities, services, personnel, and other costs except as specified below:

1. Land Purchase Price (Not to exceed fair market value)	\$ _____	_____ %
2. Appraisal	\$ _____	_____ %
3. Land Boundary Survey	\$ _____	_____ %
4. Environmental Site Assessment	\$ _____	_____ %
5. FWS Consultation—Endangered Species Act	_____	_____ %
6. Title and Escrow Fees	\$ _____	_____ %
7. Recording Fees	\$ _____	_____ %
8. Pro-rata Share of any pre-paid property taxes or assessments	\$ _____	_____ %
9. Other Miscellaneous Closing Costs	\$ _____	_____ %
10. Penalty Costs and Other Charges for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumbers the real property	\$ _____	_____ %
11. Relocation Payments to Eligible Tenants	\$ _____	_____ %
12. Balance of Contingency Funds	\$ _____	_____ %
TOTAL*:	\$ _____	_____ %

*Total dollar percentage may be 100% of amount approved by the Secretary plus any contingency percentage approved by the Secretary for projects in a given round..

COMMENTS: _____

Appendix B-3

CAPITAL IMPROVEMENT PROPOSAL ESTIMATED NECESSARY EXPENSES & KEY MILESTONE DATES

Project Name: _____ Agency: _____
 Project #: _____ Priority #: _____
 Prepared by: _____ Phone: _____ Date: _____

Identify estimated costs of eligible reimbursement expenses:

1. Planning, Environmental Compliance, & Preconstruction Engineering & Design* (pre-design sketches & conceptual drawings; environmental assessment and permitting, specialist surveys/reports for archaeology, wildlife, biology, etc.; architectural & engineering analysis, design, surveying, & field investigations; construction drawings, specifications, cost estimates, and engineering technical reports

\$ _____ %

2. Construction Contract Costs (including labor, supplies & materials, construction management, etc.; sampling/ testing; site restoration; and government furnished supplies and materials)

\$ _____ %

3. Project Equipment

\$ _____ %

4. Travel (including per diem where official travel status is required to carry out project, such as serve as COR, experts to review reports, etc.)

\$ _____ %

5. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out project)

\$ _____ %

6. Other Direct and Contracted Labor: Agency payroll for the Contracting Officer to do project procurement, COR, Project Inspector, Sec. 106 Consultation, NEPA Lead, Project Manager, Project Supervisor, and subject experts to review contracted surveys, designs/drawings, plans, reports, etc.; Also covered is the cost to contract for a Project Manager and/or Project Supervisor if contracted separately from other project contracts.

\$ _____ %

7. FWS Consultation—Endangered Species Act

8.. Federal Direct Labor (to perform project construction)

\$ _____ %

9. Other Necessary Expenses (See Appendix B-9)

10. Balance of Contingency Funds

\$ _____ %

TOTAL:** \$ _____ %

Estimated Key Milestone Dates:

Environmental Decision Notice/FONSI Date: _____

Construction Contract Award Date (list for each contract): _____

Final Completion Date (mm/dd/yyyy – must be through reimbursement request submittal): _____

*Total not to exceed 27% of total project cost, even if Federal labor is used to perform this work.

**Total dollar percentage may be 100% of amount approved by the Secretary plus any contingency percentage approved by the Secretary for projects in a given round.

COMMENTS _____

Appendix B-4

PARKS, TRAILS, AND NATURAL AREAS ACQUISITION PROPOSAL (LAND AND INTERESTS IN LAND INCLUDING EASEMENT OR RIGHT OF WAY) ESTIMATED NECESSARY EXPENSES

Project Name: _____ County/City: _____
Project #: _____ Priority #: _____
Prepared by: _____ Phone: _____ Date: _____

Local/regional governmental entity agrees to furnish the necessary equipment, materials, facilities, services, personnel and other costs except as specified below:

1. Land Purchase Price (Not to exceed fair market value)	\$ _____	_____ %
2. Appraisal Costs (must be consistent with Uniform Appraisal Standards for Professional Appraisal Practices (USPAP) and Uniform Appraisal Standards for Federal acquisitions)	\$ _____	_____ %
3. Land Boundary Survey Costs	\$ _____	_____ %
4. Environmental Site Assessment and NEPA Costs	\$ _____	_____ %
5. FWS Consultation—Endangered Species Act	_____	_____ %
6. Title and Escrow Fees	\$ _____	_____ %
7. Recording Fees	\$ _____	_____ %
8. Pro-rata Share of any pre-paid property taxes or assessments	\$ _____	_____ %
9. Other Miscellaneous Closing Costs	\$ _____	_____ %
10. Penalty Costs and Other Charges for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumber the real property	\$ _____	_____ %
11. Relocation Payments to Eligible Displaced Persons	\$ _____	_____ %
12. Direct Labor or Contracted Labor Costs: For activities necessary to complete the acquisition and/or to reach a decision as to whether or not the acquisition can be completed such as title records management; review of title documents (land, water, mineral, etc.), legal description verification; preparation and review of technical reports such as appraisals, ESA, water rights, mineral rights analyses for title purposes, surveys; preparation of requests for preliminary and final title opinion, preparation of conveyance documents, and escrow closing instructions; negotiating/ resolution of rights to be acquired or other acquisition issues	\$ _____	_____ %
13. Travel including per diem, when official travel status is required for agency personnel to perform case management (e.g., experts to review contracted appraisals, etc.)	\$ _____	_____ %
14. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out case management)	\$ _____	_____ %
15. Other Necessary Expenses (See Appendix B-9))	_____	_____ %
16. Balance of Contingency Funds	\$ _____	_____ %
TOTAL*:	\$ _____	_____ %

- Total dollar percentage may be 100% of amount approved by the Secretary plus any contingency percentage approved by the Secretary for projects in a given round.

COMMENTS: _____

Appendix B-5

PARK, TRAIL, AND NATURAL AREA PROJECTS ESTIMATED NECESSARY EXPENSES & KEY MILESTONE DATES

Project Name: _____ County/City: _____
 Project #: _____ Priority # _____
 Prepared by: _____ Phone: _____ Date: _____

Identify estimated costs of eligible reimbursement expenses:

1. Planning, Environmental Compliance, &

Preconstruction Engineering & Design* (pre-design sketches & conceptual drawings; environmental assessment and permitting, specialist surveys/reports for archaeology, wildlife, biology, etc.; architectural & engineering analysis, design, surveying, & field investigations; construction drawings, specifications, cost estimates, and engineering technical reports

\$ _____ %

2. FWS Consultation—Endangered Species Act

3. Construction Contract Costs (including labor, supplies & materials, construction management, etc.; sampling/ testing; site restoration; and recipient-furnished supplies and materials)

\$ _____ %

4. Direct Labor (to perform project construction)

5. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out project)

\$ _____ %

6. Other Direct and Contracted Labor: Entity payroll for the Contracting Officer to do project procurements, COR, Project Inspector, NEPA Lead, Sec. 106 Consultation; Project Manager, Project Supervisor, and subject experts to review contracted surveys, designs/drawings, plans, reports, etc.; Also covered is the cost to contract for a Project Manager and/or Project Supervisor if contracted separately from other project contracts

\$ _____ %

7. Other Necessary Expenses (See Appendix B-9)

8. Balance of Contingency Funds

\$ _____ %

TOTAL:** \$ _____ %

*Item #1 not to exceed 27% of total project cost, even if recipient labor is used to perform this work.

** Total dollar percentage may be 100% of amount approved by the Secretary plus any contingency percentage approved by the Secretary for projects in a given round.

Estimated Key Milestone Dates and Durations (in days):

NEPA Environmental Decision Notice/FONSI Date (if applicable) _____
 Section 106, SHPO Clearance Date (if applicable) _____

	Start Date	End Date	Duration
Project Startup and Pre-Design Phase:	_____	_____	_____
Design Phase:	_____	_____	_____
Contract Bid Phase:	_____	_____	_____
Construction Phase:	_____	_____	_____
Project Completion/Close-Out:	_____	_____	_____

COMMENTS: _____

Appendix B-6

DEVELOPMENT OF A MSHCP ESTIMATED NECESSARY EXPENSES & KEY MILESTONE DATES

Name of MSHCP: _____

Project Name: _____ County/City: _____

Prepared by: _____ Phone: _____ Date: _____

Identify estimated costs of eligible reimbursement expenses:

1. Planning and Environmental Assessment Costs

(specialist surveys/reports including cultural resources, archaeology, wildlife, biology, environmental documentation, NEPA if required, etc.)

\$ _____ %

2. FWS Consultation—Endangered Species Act

3. Direct Labor (Payroll) to Perform the Project (if work not contracted)

\$ _____ %

4. Project Equipment

\$ _____ %

5. Travel (including per diem where official travel status required to carry out project, such as serve as COR, experts to review reports, etc.)

\$ _____ %

6. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out project)

\$ _____ %

7. Cost of Contracts, Grants and/or Agreements to Perform the Project

\$ _____ %

8. Other Direct and Contracted Labor: Agency payroll for the Contracting Officer to do project procurement, COR, Project Inspector, Sec. 106 Consultation, NEPA Lead, Project Manager, Project Supervisor, and subject experts to review contracted surveys, designs/drawings, plans, reports, etc.; Also covered is the cost to contract for a Project Manager and/or Project Supervisor if contracted separately from other project contracts

\$ _____ %

9. Other Necessary Expenses (See Appendix B-9))

10. Balance of Contingency Funds

\$ _____ %

TOTAL*: \$ _____ %

Estimated Key Milestone Dates:

- Contract Award Date (list for each contract): _____
- Final Completion Date (mm/dd/yyyy – must be through reimbursement request submittal): _____
- Total dollar percentage may be 100% of amount approved by the Secretary plus any contingency percentage approved by the Secretary for projects in a given round.

COMMENTS: _____

Appendix B-7

CONSERVATION INITIATIVES ESTIMATED NECESSARY EXPENSES & KEY MILESTONE DATES

Project Name: _____ County/City: _____
 Project #: _____ Priority # _____
 Prepared by: _____ Phone: _____ Date: _____

Identify estimated costs of eligible reimbursement expenses:

1. Planning and Environmental Assessment Costs (specialist surveys/reports including cultural resources, archaeology, wildlife, biology, environ-mental documentation, NEPA if required, etc.)	\$ _____	_____ %
2. FWS Consultation—Endangered Species Act	_____	_____
3. Direct Labor (Payroll) to Perform the Project (including one dedicated lead/team member per agency)	\$ _____	_____ %
4. Project Equipment (including specialized equipment for resource protection officers)	\$ _____	_____ %
5. Travel (including per diem where official travel status required to carry out project, such as serve as COR, experts to review reports, etc.)	\$ _____	_____ %
6. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out project)	\$ _____	_____ %
7. Required Training for Resource Protection Positions Funded by the Project (e.g., tuition and required books, etc.)	\$ _____	_____ %
8. Cost of Contracts, Grants and/or Agreements to Perform the Project	\$ _____	_____ %
9. Other Direct and Contracted Labor: Agency payroll for the Contracting Officer to do project procurement, COR, Project Inspector, Sec. 106 consultation if required, NEPA Lead, Project Manager, Project Supervisor, and subject experts to review contracted surveys, designs/drawings, plans, reports, etc.; Also covered is the cost to contract for a Project Manager and/or Project Supervisor if contracted separately from other project contracts)	\$ _____	_____ %
10. Other Necessary Expenses (See Appendix B-9)	\$ _____	_____ %
11. Balance of Contingency Funds	\$ _____	_____ %
TOTAL*:	\$ _____	_____ %

Estimated Key Milestone Dates:

- Contract Award Date (list for each contract): _____
- Final Completion Date (mm/dd/yyyy – must be through reimbursement request submittal): _____
- Total dollar percentage may be 100% of amount approved by the Secretary plus any contingency percentage approved by the Secretary for projects in a given round. Updated information on costs or preliminary bids may result in a total amount that is lower than the amount approved by the Secretary and a percent less than 100%.

COMMENTS: _____

Appendix B-8

LAKE TAHOE RESTORATION PROJECTS ESTIMATED NECESSARY EXPENSES & KEY MILESTONE DATES

Project Name: _____ Agency: _____
 Prepared by: _____ Phone: _____ EIP #: _____
 SNPLMA Project #: _____

Identify estimated costs of eligible reimbursement expenses:

1. Planning, Environmental Assessment and

Research Costs (specialist surveys, reports, monitoring, data collection, analysis, NEPA, etc.)

\$ _____ %

2. FWS Consultation—Endangered Species Act

3. Direct Labor (Payroll) to Perform the Project

\$ _____ %

4. Project Equipment (tools, software, specialized equipment, etc.)

\$ _____ %

5. Travel (including per diem where official travel status required to carry out project, such as serve as COR, experts to review reports, etc.)

\$ _____ %

6. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out project)

\$ _____ %

7. Cost of Contracts, Grants and/or Agreements to Perform the Project

\$ _____ %

8. Other Direct and Contracted Labor: Agency payroll for the Contracting Officer to do project procurement, COR, Project Inspector, Sec. 106 Consultation if required, NEPA Lead, Project Manager, Project Supervisor, and subject experts to review contracted surveys, designs/drawings, plans, reports, etc.; Also covered is the cost to contract for a Project Manager and/or Project Supervisor if contracted separately from other project contracts)

\$ _____ %

9. Other Necessary Expenses (See Appendix B-9))

TOTAL: \$ _____ %

Estimated Key Milestone Dates:

Milestones/Deliverables:	Date:
Final Completion Date:	

COMMENTS:

APPENDIX B-9
Examples of Estimated Other Necessary Expenses

Category
ADMINISTRATION COSTS
Budget Tracking/Accounting and Execution
Allocation of Transferred Funds to the Region and to the Field
Preparation of OMB Reports Required in Association with Transferred Funds
Project Procurements and Contract Oversight (If any in addition to Direct Labor for the CO, COR, and PI already included on the Estimated Expense sheet)
Preparing Transfer Requests
Transfer of Station cost (PCS) for Hiring Project Personnel
Managing Allocation of Transferred Funds
Financial Audit Support
Supervision and Oversight of SNPLMA-Funded Staff and/or Contractors
Travel Administration for Required Project Travel
Human Resource/Relations Tasks for SNPLMA-funded Personnel
Preparing Quarterly Status Reports
Tracking Project Activities, Expenses, IGOs, Task Orders (e.g., project database management)
IT Services to Install Hardware/Wiring, Project-Required Software, and Maintain/Trouble Shoot Computers Used for SNPLMA Projects. Hours and costs must be tracked by project and based on percentage of time the computer(s) are used for those projects.
A percent of Project-Related Indirect Costs for Support Based on Staff Time Spent on the Project(s), provided these expenses meet the three criteria of necessary expenses and are not covered elsewhere in the cost estimate (Examples of such indirect costs would be secretarial support, printing, copying, cost-center expenses, etc.)
PROJECT CONSTRUCTION, CONSULTATION AND MANAGEMENT
Duties of Project Manager/Supervisor (If not already included on the Estimated Expense Sheet)
Construction Trailers and Utilities
Required Project Consultations (e.g., safety and fire; cultural and historic, ADA, etc.)
Public Scoping and/or Meetings for Environmental Review, Project Design, etc. (Does not include ribbon cutting or opening ceremonies for projects at or near completion.)
Review of Contracted Surveys, Assessments, Designs/Drawings, Reports (If not already included on the Estimated Necessary Expense Sheet)
Construction Site Security
Cell Phones, Cell Service, Radios for Project Personnel Primarily in the Field
Required Cultural, Wildlife, Biological, and other Similar Surveys (If not already included on the Estimated Necessary Expense Sheet)
Interest Required to be Paid on Construction Contract Retention Amounts
TEMPORARY OFFICE SPACE
Lease Costs for New Temporary Space
Design and Installation of Modifications to Meet Space Plan Needs
Set Up Fees for Utilities (Gas, Electricity, etc.)
Furniture and Fixtures
Required Modifications to Meet Codes
Computer Equipment (See section on equipment costs for limiting conditions)
Installation Costs for Computer Networks, Telephone Service

Appendix C

LAND AND/OR INTEREST IN LAND ACQUISITION FUNDING CRITERIA

In order to implement the Southern Nevada Public Land Management Act of 1998 (SNPLMA) and the Federal Land Transaction Facilitation Act of 2000 (FLTFA) (the Acts), the following strategic goals, minimum criteria, and ranking criteria will be used to identify land or interest in land in the state of Nevada for acquisition by the Federal government. Under the SNPLMA, the land or interest in land must be "environmentally sensitive," with priority given to lands located within Clark County. Under the FLTFA, the lands must be an in holding within a federally designated area as defined in the Act, or adjacent to a federally designated area and containing exceptional resources as defined in the Act.

Eligibility

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service and USDA Forest Service may receive funding for environmentally sensitive land acquisitions. Any entity or interested party may propose land and/or interest in land (such as conservation easements, water rights, mineral rights, etc.) for acquisition to an eligible entity.

Strategic Goals for Land Acquisition

- Promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife and other values contributing to public enjoyment and biological diversity;
- Enhance recreation opportunities and public access; and
- Provide the opportunity to achieve more efficient management of public lands through consolidation of ownership, including in holdings within federally designated areas.

Minimum Criteria

All three of the following criteria must be met for a parcel of land or interest in land to be acquired by a Federal entity. The first two criteria must be addressed in the "willing agency" letter, and the third in a "willing seller" letter, both to be included in the nomination package:

- The nominated land is currently identified for protection or acquisition in an approved Federal land management plan, or is an in-holding within a specially designated area;
- The acquisition proposed for Federal acquisition presents no health, safety, or liability concerns that cannot be mitigated. This will be documented by a statement from the acquiring agency identifying any potential concerns and explaining specifically how it would be mitigated; and
- There is a willing seller.

Ranking Criteria

Nominations must meet all minimum criteria in order to be evaluated by the subgroup. Five criteria will be used by the subgroup to evaluate, score, and rank nominations in this category. The total points available for each criteria is shown to the right of the criteria. The factors used to score the criteria are listed below it with the points available for each factor. Except for criteria number 4, the factor scores are cumulative to make up the total available for each criteria. Criteria number 4 has a maximum of 10 points available, but is not cumulative; three of the four factors are mutually exclusive. If a project has the factor, the project will receive the full points available for that factor.

Each potential acquisition that meets all of the minimum criteria is scored by adding up points it receives from meeting one or more of the following “ranking criteria.” Points between 0 and the indicated maximum number are awarded for each criterion, depending on the degree to which the acquisition would satisfy each criterion. Factors used by the Working Group members to assign points are listed under each criterion.

Each potential acquisition is first evaluated based on resource issues, manageability, and other considerations, and a subtotal score is calculated. Additional points are awarded if the property is located within Clark County as a criterion for prioritization under the SNPLMA. The eligibility for funding under the FLTFA (in holding, or adjacent to a federally designated area and containing exceptional resource values) is determined and the date the in holding was established, as defined in the FLTFA, as a criterion for prioritization under the FLTFA.

1. Contributes toward preservation of a specially designated species.	Points = 10
---	-------------

Factors:

A. Acquisition has significant contribution toward preservation or recovery of one or more specially designated species present on the property;	3	
B. Acquisition contains habitat which supports one or more special status species	2	
C. One or more species present on the property are listed as threatened and endangered;	3	
D. Acquisition contributes to creation, conservation, and/or preservation of biodiversity, wetland/riparian area or watershed	2	

2. Preserves a significant natural, aesthetic or scientific feature.	Points = 10
--	-------------

Factors:

A. Property contains one or more natural, aesthetic, or scientific features	2	
B. One or more features is eligible for special designation (other than		

species	2	
C. Acquisition has significant contribution to preserving the resource values	5	
D. A specific management plan(s) exists for the resource values involved	1	

3. Preserves significant historic, paleontological, or cultural site.	Points = 10
---	-------------

Factors:

A. Property contains one or more historic, paleontological, or cultural sites	2	
B. One or more sites is eligible for a special designation (other than species)	2	
C. Acquisition has significant contribution to preserving the resource values	5	
D. A specific management plan(s) exists for the resource values involved	1	

4. Enhances recreational opportunities or improves public access to recreational opportunities	Points = 10
--	-------------

Factors:

A. Acquisition provides recreational opportunities on the site	3	
B. Acquisition provides improved access to recreational areas	3	
C. Acquisition addresses a public demand for recreational opportunity or access to recreational areas	3	
D. A specific management plan(s) exists for the resource values involved	1	

5. Provides the opportunity to achieve better management of public land through consolidation of Federal ownership	Points = 10
--	-------------

Factors:

A. Acquisition provides for better management of public lands	3	
B. Property is an in holding in a specially designated area	4	
C. The acquisition supports the primary purpose of a specially designated area	2	
D. Acquisition provides improved access to public lands (other than recreation	1	

6. Estimated post-acquisition management costs	Points = 5
--	------------

Factors:

A. No added management costs, or	5	
B. Added management costs but costs are offset by contributions from other entities	5	

7. Has the support of the State, local governments, other agencies, and/or other interested parties (provide written verification of support)	Points = 5
---	------------

Factors:

A. Acquisition is supported by the County/local government in which the property is located	2	
B. Acquisition is supported by environmental, recreational, and/or scientific groups	2	
C. Acquisition is supported by Fish & Wildlife Service Ecological Services, State Historic Preservation Office, or other federal, state or tribal governmental entities	1	

8. Other Considerations	Points = 10
-------------------------	-------------

Factors:

A. Acquisition would prevent planned development or other incompatible uses	5	
B. Agency number one priority	5	

SUBTOTAL POSSIBLE POINTS: 70

10. Proposed Federal acquisition is in Clark County, Nevada	Points = 10
---	-------------

TOTAL POSSIBLE POINTS 80

11. Inholding, or adjacent to, Federally designated area and contains exceptional resource(s). As defined in Sec. 203 of the FLTFA: Yes/No

"In holding" means any right, title, or interest, held by a non-Federal

entity, in or to a tract of land that lies within the boundary of a federally designated area.

"Federally designated area" means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o)) that on the date of enactment of this Act was within the boundary of--

- (A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;
- (B) a unit of the National Park System;
- (C) a unit of the National Wildlife Refuge System;
- (D) an area of the National Forest System designated for special management by an Act of Congress; or
- (E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as--

- (i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);
- (ii) a wilderness study area;
- (iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or
- (iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

"Exceptional resource" means a resource of (1) scientific, natural, historic, cultural, or recreational value (2) that has been documented by a Federal, State, or local governmental authority, and (3) for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency (4) in order to maintain the resource for the benefit of the public [numbering added].

12. Date inholding established. As defined in Sec. 204(c)(2) of the Month/Year FLTFA, this date shall be:

- (A) the earlier of
 - (i) the date on which the land was withdrawn from the public domain, or
 - (ii) the date on which the land was established or designated for special management, or
- (B) the date on which the inholding was acquired by the current owner.

Appendix D

CAPITAL IMPROVEMENTS FUNDING CRITERIA

The Southern Nevada Public Lands Management Act of 1998, Section 4(b)(3)(ii) allows money from the Special Account to be expended for:

“ . . . capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge [Complex], the Red Rock Canyon National Conservation Area and other areas administered by the Bureau of Land Management in Clark and Lincoln Counties, and the Spring Mountains National Recreation Area.”

The Act limits the amount available for capital improvements to not more than 25% of the amounts available in the Special Account in any fiscal year, determined without taking into account amounts deposited under the Santini-Burton provisions.

The area covered by the capital improvement provision is 6.1 million acres managed by four different Federal agencies: Bureau of Land Management, U.S. National Park Service, Fish and Wildlife Service, and the USDA Forest Service. Each agency has a different congressional mandate yet all have come together locally to share a common vision for the overall Clark County area within individual legislative constraints. Existing infrastructure in all four jurisdictions is old and woefully inadequate to meet present-day demands and standards. The existing infrastructure needs to be re-capitalized and new facilities must be built to meet increased visitation and the changing needs of a diversified public.

Capital Improvement projects may include repair or rehabilitation of existing infrastructure, new construction, or improvements needed to protect resource values. All projects that are submitted for funding consideration must conform with approved management plans for the Federal unit involved. Each project should materially contribute to effective resource protection, the visitor experience and/or improved unit operations. Since the capital improvement needs of the four Federal agencies are great and funding is limited, the funding priorities need to incorporate a strong cost management system and ethic. It is with this philosophical concept in mind that the following strategic goals, minimum criteria, and rating criteria were developed.

Eligibility

Capital Improvement projects may be nominated by any of the four Federal land management agencies (BLM, NPS, FWS and FS).

Strategic Goal for Capital Improvements

Refurbish existing facilities and construct new facilities to:

- Improves safety and environmental health at sites and/or facilities used by the public and governmental employees;
- Responds to visitor demand and/or changes in visitation patterns;

- Addresses deferred maintenance;
- Minimizes operations and maintenance costs; and
- Protects the integrity of significant resource values or improves the quality of the environment.

Minimum Criteria

- The project is located within the Lake Mead National Recreation Area, the Desert National Wildlife Refuge Complex, the Red Rock Canyon National Conservation Area, or other areas administered by the Bureau of Land Management in Clark County and the Spring Mountains National Recreation Area; and
- The administering agency has addressed the need for operations and maintenance of the facility in order to operate and maintain the facility for the foreseeable future.

Ranking Criteria

Five criteria will be used by the subgroup to evaluate, score, and rank nominations in this category. The total points available for each criteria is shown to the right of the criteria. The factors used to score the criteria are listed below it with the points available for each factor. Except for criteria number 4, the factor scores are cumulative to make up the total available for each criteria. Criteria number 4 has a maximum points available of ten, but is not cumulative; three of the four factors are mutually exclusive. If a project has the factor, the project will receive the full points available for that factor.

1. <u>Safety</u> . Improves safety and environmental health at sites and/or facilities used by the public and governmental employees	Points = 15
--	-------------

Factors:

A. Addresses, remedies or improves an immediate safety public access and/or environmental health concern.	7	
B. The number of visitors and employees affected.	5	
C. Provides educational value for an environmental or health concern.	2	
D. Addresses ADA compliance.	1	

2. Protects the integrity of significant resource values or improves the quality of the environment.	Points = 10
--	-------------

Factors:

A. Minimizes environmental or resource impacts.	4	
B. Nature of the concern to resource values and urgency for action.	3	
C. Number and significance of resource values involved including cultural, historical, natural and scientific values.	2	

D. Provides educational value.	1	
--------------------------------	---	--

3. Responds to visitor demand and/or changes in visitation patterns	Points = 10
---	-------------

Factors:

A. Corrects a deficiency in visitor services.	5	
B. Public demand and public use vs. investment required.	5	

4. Project describes maintenance and/or operation impacts.	Points = 10
--	-------------

Factors:

A. Project has Green Building and/or sustainable design.	1	
B. Project has no effect on operations and/or maintenance over existing situation, or	7	
C. Project will have impact on operations and/or maintenance, but project is required to address deficiencies, or	4	
D. Project improves operations and/or maintenance over existing situation.	9	

5. Eligible agency number one (1) priority	Points = 15
--	-------------

Factors:

A. Number One Priority (only one per agency)	15	
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TOTAL POSSIBLE POINTS = 60

Appendix E

PARKS, TRAILS, AND NATURAL AREAS FUNDING CRITERIA

The Southern Nevada Public Lands Management Act on 1998, Section 4 (e)(3)(A)(iv), as amended, allows for money from the Special Account to be expended for:

“ . . . development of parks, trails, and natural areas in Clark and Lincoln Counties, Nevada, pursuant to a cooperative agreement with a unit of local government. . . ”

The Park, Trail, and Natural Area (PTNA) category is inherently intended to fund outdoor projects aimed at accomplishing the strategic goals below. The PTNA category is not intended to fund capital improvement-type projects where the primary goal of the nomination is construction, renovation, or expansion of buildings (e.g., museums, schools, office or administrative buildings, theaters, auditoriums, etc.). However, funding may be provided for PTNA projects which, due to the nature of the project, require incidental building construction (e.g., restrooms, maintenance sheds, group picnic shelters, shade structures, small visitor greeting areas, etc.). In addition, funding may be provided for PTNA projects which include, or where the primary purpose is, more significant building construction, such as a visitor center with nature displays tied to the park's theme, when the proposed building is deemed an integral part of a larger PTNA project and critical to accomplishing the goals of that larger project.

Eligibility

Parks, Trails, and Natural Areas projects may be nominated by a unit of local government (Clark County, the City of Las Vegas, the City of North Las Vegas, the City of Henderson, or Lincoln County) as well as by a regional government entity (Southern Nevada Water Authority, the Regional Flood Control District or the Clark County Sanitation District).

Strategic Goal for Contributing to the Development of Parks, Trails and Natural Areas

Partner with local government in Clark and Lincoln Counties to develop more and better parks, trails and natural areas to:

- Provide new or improved existing park, trail, or natural areas to meet the demands and changing demographics of residents and visitors.
- Protect or improve the integrity of environmental, cultural, historical, scientific, and open space resources.
- Connect parks, trails and natural areas to form a more unified system.
- Ensure that the cost and value of investment is considered, well stated and reasonable.

Minimum Criteria

- The project is located in Clark County or Lincoln County; and
- A Cooperative Agreement between a Federal land management agency and a unit of local government or regional governmental entity is in place. (The SNPLMA Assistance

Agreements with eligible local and regional governmental entities satisfy this requirement. However specific projects may require a separate cooperative agreement with one or more of the Federal land management agencies to address management and/or operation of the finished project or to meet some other legal requirement.)

Ranking Criteria

Four criteria will be used by the subgroup to evaluate, score, and rank nominations in this category. The total points available for each criteria is shown to the right of the criteria. The factors used to score the criteria are listed below it with the points available for each factor. The factor scores are cumulative to make up the total points available for each criteria. If a project has the factor, the project will receive the full points available for that factor.

1. Demand. Provides a new or improves an existing park, trail or natural area to meet the demands and changing demographics of residents and visitors.	Points = 18
--	-------------

Factors:

A. The project meets an unfilled demand or deficiency for parks, trails, or natural areas.	6	
B. Describes how the facility meets the need(s) of the target demographic.	6	
C. The project is unique and/or significant to the region it is or will be established in.	3	
D. Addresses, remedies or improves a safety concern(s).	3	

2. Resource Protection. Protects or improves the integrity of environmental, cultural, historical, scientific and open space resources.	Points = 18
---	-------------

Factors:

A. Significance of environmental, cultural, historical, scientific, or open space resources protected.	6	
B. Nature of any threat to the resource, urgency for action, and/or desired outcomes.	6	
C. The project seeks to minimize impact to environmental, cultural, historical, scientific, and/or open space resources.	3	
D. Provides educational value related to resource protection.	3	

3. Connectivity. Will connect parks trails and natural areas to form a more unified system.	Points = 12
---	-------------

Factors:

A. Is a phase or related component to a previously approved SNPLMA project.	3	
B. Provides connectivity to a regional/local park, trail, or natural area, and/or federal lands.	3	
C. The park, trail, or natural area is part of an approved regional or local plan. (If no formal regional/local approved plan describes the planning process.)	3	
D. If applicable, significance of gap filled in the trail system.	3	

4. Cost and Value of Investment: Evaluates describes and considers the costs and benefits of the project	Points = 12
--	-------------

Factors:

A. The projected budget, associated costs and phasing considerations of the proposal are stated and justified.	3	
B. Evaluation of Public demand/use vs. investment required. (i.e. service area/radius, communities benefited)	3	
C. Design or approach of project minimizes future maintenance and/or replacement costs to the extent possible for the type of project.	3	
D. Partnerships and value of contribution to the project. (i.e. financial, volunteerism)	3	

TOTAL POSSIBLE POINTS = 60

Appendix F

CLARK COUNTY MULTI-SPECIES HABITAT CONSERVATION PLAN CRITERIA

Funding for a Clark County MSHCP: In the section on availability of the SNPLMA Special Account, the Southern Nevada Public Land Management Act of 1998 states:

“Amounts deposited in the special account may be expended for ... development of a multi-species habitat conservation plan in Clark County, Nevada.”

The term “MSHCP Development Project” includes projects and proposals specifically designed to improve and conserve the status of species and habitats on both federal and non-federal lands within Clark County. Projects shall include, but not be limited to programs and proposals approved by the U.S. Fish and Wildlife Service that involve

- data collection;
- monitoring;
- basic and applied research;
- field manipulations and other experimentation;
- adaptive management efforts;
- development and redevelopment of management plans for all species, habitats and the ecosystems that support them;
- conservation initiatives;
- mapping;
- interagency GIS capacity coordination and enhancement;
- development of ecosystem conservation strategies;
- proposals to enhance land management efficiency and effectiveness; and
- development of public education and outreach strategies, including programs and documentation designed to improve public awareness of the importance of habitat and species conservation within Clark County.

Development of the MSHCP also includes necessary expenses required to participate in and administer the MSHCP in accordance with the necessary expenses outlined in this document and include NEPA compliance necessary for the development of the MSHCP.

MSHCP development projects should show a positive benefit to the Federal estate or mission from the sale of a Federal asset.

Eligibility

BLM, FWS, FS, NPS, and Clark County may submit nominations in this category in Clark County.

Strategic Goal - Development of a MSHCP for Clark County

- Support the continuing development of a MSHCP for Clark County

- Develop a science-based program to:
 - Monitor the status of species, habitats, and environmental factors, both natural and human-caused, that affect the health and survival of those species and habitats (“threats”);
 - Monitor and evaluate the effectiveness and efficiency of conservation and management actions upon the species, habitats, and threats; and
 - Recommend modification or development of additional policies, local rules and regulations, and local management practices and conservation strategies using basic and applied scientific methods and techniques.

Minimum Criteria

- The proposed project furthers the goal of development of the MSHCP;
- Clark County confirms its ability to carry out its project management responsibilities under its Assistance Agreement with BLM for the proposed project; and
- The proposed project has a positive benefit to the federal estate or mission.
- The Federal Agency impacted by the proposed project confirms its support of the proposal and ability to carry out its responsibilities associated with the proposal.

Ranking Criteria

The Rating System used for ranking is defined in the existing MSHCP process, and not in this document. The criteria below are gleaned from the “Memorandum of Agreement Regarding Adaptive Management and Implementation of the Clark County Multiple Species Habitat Conservation Plan” dated December 12, 2002.

1. The proposed project addresses an issue that is of concern to the MSHCP and furthers the goals, development, or implementation of the MSHCP or a related Conservation Strategy, and maintenance of the incidental take permit.
2. Consequences of not doing the project at this time.
3. Proposed project is scientifically and technically adequate.
4. Project goals and objectives are clearly defined.
5. Project evaluation process is clearly defined.
6. Data management process is clearly defined with milestones and deliverables.

Appendix G

CONSERVATION INITIATIVES FUNDING CRITERIA

P.L. 107-282 of November 6, 2002 amends the Southern Nevada Public Land Management Act to include an additional expenditure category, which allows “up to 10 percent of amounts available, to be used for conservation initiatives on Federal Land in Clark and Lincoln Counties, Nevada, administered by the Department of the Interior or the Department of Agriculture.”

“Conservation Initiatives” are federal agency activities which promote conservation on federal lands including planning, implementation, monitoring, environmental impact statements, NEPA compliance and delivery of programs such as, but not limited to, litter and desert dumping clean-up and prevention, natural and cultural resource protection, recreation, habitat restoration, species management, environmental education, volunteerism and site stewardship. Research projects must demonstrate a practical application to management of federal lands in order to be accepted for consideration.

Eligibility

The Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, USDA Forest Service, and Bureau of Reclamation may receive funding for conservation initiatives.

Strategic Goals for Implementation of Conservation Initiatives

1. Results in improved quality of natural and cultural resources and/or management of federal lands.
2. Provide opportunities to involve, inform, and educate the public about the environment and responsible use on federal lands.
3. Enhances partnerships in promotion of cooperative conservation.

Minimum Criteria

- Project is nominated by one of the five federal land management agencies -- the National Park Service, Bureau of Land Management, USDA Forest Service, U.S. Fish and Wildlife Service, and Bureau of Reclamation – for federal lands in Clark and Lincoln Counties.

Ranking Criteria

Six criteria will be used by the subgroup to evaluate, score, and rank nominations in this category. The total points available for each criteria is shown to the right of the criteria. The factors used to score the criteria are listed below it with the points available for each factor. The factor scores are cumulative to make up the total points available for each criteria. If a project has the factor, the project will receive the full points available for that factor

1. Results in improved quality of federal lands.	Points = 15
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Factors:

A. Protects cultural and/or natural resources.	7	
B. Rehabilitates or restores cultural and/or natural resources.	6	
C. Remediates risk to environmental health and/or public safety.	2	

2. Results in improved management of federal lands.	Points = 15
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Factors:

A. Improves efficiency and/or reduces overall federal cost in the management of cultural and/or natural resources.	5	
B. Advances knowledge of cultural resources, natural resources and/or ecological systems with a demonstrated practical application.	4	
C. Project products are useful and have a practical application without further funding.	4	
D. Processes and/or results are exportable.	2	

3. Provides opportunities to involve, inform and/or educate the public about the environment and about the management and responsible use of federal lands.	Points = 10
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Factors:

A. Promotes the responsible use of federal lands.	3	
B. Involves the public and/or organizations in implementing management of public lands.	3	
C. Incorporates education about the environment.	2	
D. Incorporates a public information process.	2	

4. Required to sustain a successful necessary SNPLMA conservation initiative.	Points = 10
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5. Promotes cooperative conservation.	Points = 10
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Factors:

A. Involves non-governmental groups, volunteers, or organizations in the development and accomplishment of resource management goals and other activities.	5	
B. Actively involves, and addresses the needs of, more than one governmental agency.	5	

6. Project demonstrates sound project management and quality control measures.	Points = 5
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Factors:

A. Project goals and implementation processes are clear, achievable and demonstrable.	2	
B. Deliverables and implementation plan are clearly articulated. Deliverables are measurable.	1	
C. Project demonstrates sound science and management techniques.	1	
D. Project evaluation processes are identified.	1	

TOTAL POSSIBLE POINTS = 65

Appendix H

DOCUMENTATION REQUIREMENTS FOR ACQUISITION OF LAND AND INTERESTS IN LAND (SNPLMA & FLTFA)

IGO/Task Order

1. Cover Letter requesting an IGO/task order in accordance with the Implementation Agreement, include project name and project number; include amount of request. The amount requested should be the total amount available (amount approved by the Secretary plus the allowed contingency amount).
2. Acquisition Schedule (i.e., time line for executing contract and completing acquisition)
3. Estimated Necessary Expense Sheets (Form Appendix B-1 and B-9).

Quarterly Reimbursement/Payment

1. Cover Letter requesting payment and attesting to compliance with the SNPLMA Implementation Agreement, the terms and conditions of the IGP/Task Order (include IGO/Task order number), the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 (PI-91-646), and all applicable agency real property acquisition policies.
2. Invoices/Receipts for Direct Costs (e.g., settlement statement for escrow/title fees, invoices for contracted appraisals, etc.).
3. Agency fiscal records for eligible direct labor, travel, and official vehicle use and other necessary expenses. If not included on fiscal records for direct labor provide the name of the individual(s), role on the project, number of hours requested, and pay rate per hour. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. For official vehicle use, annotate fiscal records to demonstrate appropriate project use of official vehicles..

Final Reimbursement/Payment: Submit a cover letter as described above, advising that the acquisition has been completed and this is a final reimbursement request. Attached items # 3, 6, and 7 for any necessary expenses not previously reimbursed. Also submit the following:

4. Copy of the Title Insurance Policy in the amount of the purchase price or include a certification that the coverage amount is consistent with the DOJ title standards.
5. Recorded Deed (conformed copy is acceptable).
6. Copy of appraisal review and agency approval of the appraised value for the transaction. A copy of the actual appraisal report is not required unless specifically requested by the SNPLMA Division.
7. Final Title Opinion (if not available when the final reimbursement is submitted, submit a copy when it is received).

If acquisition can not be completed: Submit documentation for necessary expenses incurred to reach a determination that the property cannot be acquired.

Appendix H-1

DOCUMENTATION REQUIREMENTS FOR CAPITAL IMPROVEMENTS

IGO/Task Order

1. Cover Letter requesting an IGO/task order in accordance with the Implementation Agreement, include project name and project number; include amount of request. The amount requested should be the total amount available (amount approved by the Secretary plus the allowed contingency amount).
2. Estimated Necessary Expense Sheets (Appendix B-3 and B-9) for the project as a whole

Partial Payment/Reimbursement

1. Cover Letter requesting payment and attesting to compliance with the SNPLMA Implementation Agreement, the terms and conditions of the IGP/Task Order, (include IGO/Task Order number), Federal Acquisition Regulations, and agency contracting and constructing policies.
2. Agency Inspection Report for work completed
3. Receipts for Direct Costs (e.g., government furnished supplies/materials).
4. Final Payment Invoice for any contracts completed
5. Notices of Completion and Release of Claims for any contract completed from Primary Contractor (and Sub-Contractors if applicable). BLM, FWS, and NPS should utilize standard DOI Release of Claims form DI-137 (Rev. July 1996). FS should utilize a comparable Department of Agriculture form.
6. Agency fiscal records for eligible direct labor, travel, and official vehicle use, and other necessary expenses. If not included on fiscal records for direct labor provide the name of the individual(s), role on the project, number of hours requested, and pay rate per hour. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. For official vehicle use, annotate fiscal records to demonstrate appropriate project use of official vehicles..
7. Project Equipment: (a) identify the equipment and its project function, (b) certify the percent utilized by the project and the time period required by the project, (c) note whether equipment is previously leased, newly leased or purchased, and (d) explain circumstances where purchase resulted in cost saving over leasing. In the case of purchased equipment, the final reimbursement request should certify the "per unit fair market value" including the source or method for determining the value and make appropriate deductions if necessary. In the case of leased equipment, the final reimbursement should certify that the lease has been terminated and/or lease costs transferred to another funding source.

Payment/Reimbursement Upon Completion of the Project: Submit the above documentation, plus the following:

8. Final Inspection Report upon completion of the project.

Appendix H-2

DOCUMENTATION REQUIREMENTS FOR PARK, TRAIL, AND NATURAL AREA ACQUISITION OF LAND AND INTERESTS IN LAND TASK ORDERS AND PAYMENT/REIMBURSEMENT

Cooperative Agreement

1. Cover Letter requesting a Cooperative Agreement in accordance with the SNPLMA Implementation Agreement. Include the name of the project, project number, and the amount of the funding request as approved by the Secretary plus the authorized contingency amount.
2. Draft Assistance Agreement (Form 1511-1).
3. Application for Federal Assistance: Standard Form 424A Budget Information and Form 424B Assurance – Non-Construction.
4. Form DI-2010 US Department of the Interior Certifications Regarding Debarment, etc.
5. Copy of “Willing Seller Letter” if not submitted with the nomination (i.e., for right-of-way acquisitions where the ROW wasn’t identified in the nomination).
6. Estimated Direct Costs Form for each property/ROW (Form Appendix B-4 and B-9).
7. Acquisition Schedule (e.g., timeline for acquisition)

Partial Payment/Reimbursement

1. Cover Letter requesting payment, attesting to compliance with the SNPLMA Implementation Agreement, the Assistance Agreement including the AA number, and Nevada Revised Statutes 244.275.
2. Standard Form 270, “Request For Advance or Reimbursement.” Must be signed by certifying official of recipient organization (required for requests from State and Local governments).
3. Receipts for Acquisition Necessary Expenses (e.g., appraisal invoice, relocation invoices/payments).
4. Agency fiscal records for eligible direct labor, travel, and official vehicle use, and other necessary expenses. If not included on fiscal records for direct labor provide the name of the individual(s), role on the project, number of hours requested, and pay rate per hour. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. For official vehicle use, annotate fiscal records to demonstrate appropriate project use of official vehicles..

Final Payment/Reimbursement; Submit the above items plus the following:

5. Copy of the Title Insurance Policy and a Statement of Assurance from the local/regional governmental entity that it has reviewed all exceptions in the policy to which the property is subject and there are no restrictions or encumbrances specified in the policy that would prohibit the property from being used for its intended purpose.

6. A copy of the Phase I Environmental Site Assessment (ESA) Executive Summary, Conclusions, and Recommendation sections, and a Statement of Assurance from the local or regional entity that the report has been reviewed by a qualified professional who confirms that there are no recognized environmental conditions on the property which would negatively impact the intended use or prohibit the intended use of the property.
7. Statement of Assurance from the local or regional entity that there are no health, safety or other liabilities existing on the property which would negatively impact the intended use or prohibit the intended use of the property, including an explanation of how this determination was made
8. A description of the determination regarding the applicability of relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24, Final Rules Effective February 3, 2005).
9. If NEPA was required for the project a copy of the NEPA documentation and findings/record of the decision.
10. Copy of local/regional governmental entity's Appraisal Report prepared in compliance with the Uniform Standards of Professional Appraisal Practices (USPAP), Federal Appraisal Standards, and local/regional governmental entity regulations
11. A copy of the entity's appraisal review report completed by a qualified appraisal professional.
12. A copy of a summary or modified valuation report if the property was valued below \$2,500, including an approval signature or documentation signifying that the simplified valuation was reviewed and approved by appropriate management official within the local/regional governmental entity. Values determined in this manner must be reasonably supported. [This change is consistent with BLM acquisition policy.]
13. Copy of Recorded Deed (including book and page—conformed copy is acceptable)

Appendix H-3

DOCUMENTATION REQUIREMENTS FOR PARKS, TRAILS & NATURAL AREAS

Cooperative Agreement

1. Cover Letter requesting a Cooperative Agreement in accordance with the SNPLMA Implementation Agreement. Include the name of the project, project number, and the amount of the funding request as approved by the Secretary plus the authorized contingency amount
2. Draft Form 1511-1 (Assistance Agreement).
3. Application for Federal Assistance (Standard Form 424).
4. Estimated Direct Costs & Project Schedule - Planned Dates for Major Project Milestones (Form Appendix B-5 and B-9).

Partial Payment/Reimbursement:

1. Cover Letter requesting payment and attesting to compliance with the SNPLMA Implementation Agreement, the Assistance Agreement, and procurement and other governmental policies applicable to the project (e.g. NEPA, Sec. 106 consultation, etc.).
2. Receipts for Direct Costs incurred including Contract invoices paid to date/or final invoice.
3. Status/Progress Report and Inspection Report certifying satisfactory progress to date.
4. Standard Form 270, "Request For Advance or Reimbursement." Must be signed by certifying official of recipient organization (required for requests from State and Local governments).
5. Local/Regional Government fiscal records for eligible direct labor, travel, official vehicle use, and other necessary expenses. If not included on fiscal records for direct labor provide the name of the individual(s), role on the project, number of hours requested, and pay rate per hour. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. For official vehicle use, annotate fiscal records to demonstrate appropriate project use of official vehicles.
6. Project Equipment: (a) identify the equipment and its project function, (b) certify the percent utilized by the project and the time period required by the project, (c) note whether equipment is previously leased, newly leased or purchased, and (d) explain circumstances where purchase resulted in cost saving over leasing. In the case of purchased equipment, the final reimbursement request should certify the "per unit fair market value" including the source or method for determining the value and make appropriate deductions if necessary. In the case of leased equipment, the final reimbursement should certify that the lease has been terminated and/or lease costs transferred to another funding source.

Payment/Reimbursement Upon Completion and for Final Reimbursement when Utilizing Partial Reimbursements: Submit the above items plus the following:

7. Local or Regional governmental entity Final Inspection/Acceptance Report
8. Contractor and, if appropriate Subcontractor, Notice of Completion/Release of Claim.
9. If acquisition of easements or rights of ways was included, submit items 3, 5, 10 & 11 or 12, and 13 from Appendix H-2.

Appendix H-4

DOCUMENTATION REQUIREMENTS FOR MSHCP DEVELOPMENT

Cooperative Agreement

1. Cover Letter requesting a Cooperative Agreement in accordance with the SNPLMA Implementation Agreement. Include the name of the project, project number, and the amount of the funding request as approved by the Secretary plus the authorized contingency amount
2. Draft Assistance Agreement Application (Form 1511-1).
3. Draft Assistance Agreement (Form 1511-1).
4. Application for Federal Assistance: Standard Form 424A Budget Information and Form 424B Assurance – Non-Construction.
5. Form DI-2010 US Department of the Interior Certifications Regarding Debarment, etc.
6. Estimated Cost Sheet MSHCP including planned dates for major project milestones (total requested not to exceed amount approved by the Secretary plus authorized contingency) (Appendix B-6 and B-9).

Partial Payment/Reimbursement

1. Cover Letter requesting payment and attesting to compliance with the SNPLMA Implementation Agreement, the Assistance Agreement (include AA number), confirming satisfactory progress toward project completion.
2. Project Record Sheet showing progress on milestones or completion of deliverables.
3. Receipts/Invoices for necessary expenses under contract and supplies/materials.
4. Standard Form 270, “Request For Advance or Reimbursement.” Must be signed by certifying official of recipient organization (required for requests from Local governments).
5. Local/Regional Government fiscal records for eligible direct labor, travel, official vehicle use, and other necessary expenses. If not included on fiscal records for direct labor provide the name of the individual(s), role on the project, number of hours requested, and pay rate per hour. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. For official vehicle use, annotate fiscal records to demonstrate appropriate project use of official vehicles
6. **Project Equipment Reimbursements:** Requests which include costs for Project Equipment must include, (a) identification of the equipment and its project function, (b) certify the percent utilized by the project, (c) certify that Federal agency rules and regulations are being followed in managing, maintaining, securing, and inventorying the equipment, and (d) as with all direct costs provide a receipt for lease payment(s) or copy of purchase receipt. The final project reimbursement request must specify the current value of the equipment and the basis for that value determination and relate the value to the amount requested for reimbursement. In the case of leased equipment, provide certification that the lease cost was less than outright purchase and certify that the lease has been terminated or the cost transferred to another funding source. (See Appendix B, Allowed Costs, item 8, “Direct Costs for Project Equipment” for further guidance.)

Final Payment/Reimbursement: Above documentation plus a final review and acceptance of project as completed satisfactorily (all deliverables completed appropriately).

Appendix H-5

DOCUMENTATION REQUIREMENTS FOR CONSERVATION INITIATIVES

IGO/Task Order

1. Cover Letter requesting an IGO/task order in accordance with the Implementation Agreement, include project name and project number; include amount of request. The amount requested should be the total amount available (amount approved by the Secretary plus the allowed contingency amount). For Inter-Agency Conservation Initiatives, the cover letter shall include an explanation of how the available funds and project tasks will be divided among the involved agencies.
2. Estimated Cost Sheets for Conservation Initiative (B-7 and B-9) For inter-agency Conservation Initiatives, each involved agency may request a separate IGO/task order; the total requested under all task orders for a single project cannot exceed the amount approved by the Secretary plus the authorized contingency.
3. Project Schedule - Planned Dates for Major Project Milestones. For inter-agency Conservation Initiatives, include a schedule & milestones for the tasks to be performed by the requesting agency, and also include a summary of the time line for completion of the project as a whole.

Partial Payment/Reimbursement:

1. Cover Letter requesting payment and attesting to compliance with the SNPLMA Implementation Agreement, the IGO/task order (include IGO/task order number), Federal Acquisition Regulations, and agency contracting and constructing policies.
2. Receipts for Necessary Expenses incurred including Contract invoices paid to date/or final invoice.
3. Agency Fiscal Records for eligible direct labor, travel, official vehicle use, and other necessary project expenses. If not included on fiscal records for direct labor provide the name of the individual(s), role on the project, number of hours requested, and pay rate per hour. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. If not included in fiscal records, annotate fiscal records to indicate appropriate project use of official vehicles.
4. Project Equipment Reimbursements: Requests which include costs for Project Equipment must include, (a) identification of the equipment and its project function, (b) certify the percent utilized by the project, (c) certify that Federal agency rules and regulations are being followed in managing, maintaining, securing, and inventorying the equipment, and (d) as with all direct costs provide a receipt for lease payment(s) or copy of purchase receipt. The final project reimbursement request must specify the current value of the equipment and the basis for that value determination and relate the value to the amount requested for reimbursement. In the case of leased equipment, provide certification that the lease cost was less than outright purchase and certify that the lease has been terminated or the cost transferred to another funding source. (See Appendix B, Allowed Costs, item 8, "Direct Costs for Project Equipment" for further guidance.)
5. Status/Progress Report and Inspection Report certifying satisfactory progress to date.

Final Payment/Reimbursement Upon Completion: Submit the above four items plus

1. Agency Final Status Report certifying satisfactory completion of project and receipt of deliverables.
2. Contractor, and if appropriate Subcontractor, Notice of Completion/Release of Claim.

Appendix H-6

DOCUMENTATION REQUIREMENTS FOR LAKE TAHOE RESTORATION PROJECTS

Documentation to Request Task Order

1. Cover Letter addressed to NSO Division of Support Services (NSO Division) requesting an IGO/task order in compliance with the Memorandum of Understanding (MOU). Include the project name, project number, MOU number, and the amount of the IGO funding request as approved by the Secretary.
2. Estimated Necessary Expense Sheet and key milestones (Appendix B-8 and B-9).
3. Draft IGO Form 1681-3
4. Project Schedule – Planned Dates for Major Project Milestones/Accomplishments and completion date for the project (or completion of the end product/deliverable when multiple task orders are being utilized).

Partial Payment/Reimbursement

1. Cover Letter requesting payment and attesting to compliance with IGO/task order, Memorandum of Understanding (include IGO number and MOU number), Federal Acquisition Regulations, and agency contracting, construction, and other applicable policies.
2. Invoices/Receipts for project necessary expenses. .
3. Agency Fiscal Records for eligible direct labor, travel, official vehicle use, and other necessary project expenses. If not included on fiscal records for direct labor provide the name of the individual(s), role on the project, number of hours requested, and pay rate per hour. Name of traveler, dates and purpose of travel should be provided if not included on fiscal records for travel. If not included in fiscal records, annotate fiscal records to indicate appropriate project use of official vehicles

Final Payment/Reimbursement: Submit the above items plus the following:

4. Agency Final Inspection Report and Project Record showing satisfactory completion of project or of the end product/deliverable for which payment is requested.
5. Final Payment Invoice for contracts and contractor notice of completion/release of claims.

Reimbursement requests should be addressed to the NSO Division of Support Services until notified that the Lake Tahoe responsibility has been reassigned to the SNPLMA Division. However they should be submitted to the USDA Forest Service representative. The Forest Service serves as inspector to certify “acceptance of the project as a qualified restoration project under the applicable laws” and/or certify that the end product/deliverable when multiple task orders are utilized are acceptable and consistent with the scope of the project. The Forest Service forwards the package along with its certification to the NSO Division.

APPENDIX I
LAKE TAHOE CAPITAL PROJECT PROPOSAL

Project Name: Capital Focus Area: EIP #:

Lead Agency: Contact:

Threshold: Phone Number:

Threshold Standard: Email Address:

Is this a multi-year Project? Total Project Cost:

(If "Yes", describe in the Detailed Funding Request in this Round:

Project Description below number of
years or phases and which year the
requested funding will cover)

Project Summary (maximum 200 words):

Detailed Project Description:

Describe the goals and objectives of the project:

Describe the anticipated project accomplishments:

Describe the "readiness" of this project to move forward (Environmental documentation,
etc.):

Describe partnerships for this project. (Include documentation):

Describe the project monitoring that will implemented as part of this project including:

- (1) The questions the monitoring program is designed to answer
- (2) The monitoring approach
- (3) Whether this project monitoring fits in to a larger monitoring or research program?

Describe how the project results will be communicated and made-available to the public.

Include an 8 ½ X 11 map depicting the project.

APPENDIX J

REQUEST FORMAT FOR PRE-PROPOSAL PLANNING FUNDS

SNPLMA Pre-Proposal Planning Request

Date:

General Project Information			
Title:			
Agency/Entity:			
Point of Contact:		Telephone #:	
Total Funding Request:			
Duration:			

Project Overview
1. Describe the anticipated project for which the pre-proposal planning funds are requested, as well as, detail the expenditure category and the anticipated round that the project will be submitted:
2. Description of the planning/feasibility work to be performed:
3. Description of need/justification and objectives of the planning/feasibility effort:
4. Description of deliverables/requirements: (Maps, reports, test data, studies; Describe the anticipated deliverables of the funding initiative.)
5. Is this request a phase or associated with an approved project from a previous round? If yes include the amount of funds already provided for and the completion status of the previous phase.
6. Describe the review and approval process that will be used to evaluate the planning deliverables: (What is the plan to evaluate the outcome of the study? For example, What group, committee or person will evaluate the findings and make a recommendation upon the results.)

Project Overview
7. Other Important Factors or Dependencies:

Approval Signature		
Name & Title	Signature	Date

APPENDIX J-1

PRE-PREPOSAL PLANNING EFFORT
ESTIMATED NECESSARY EXPENSES

Identify estimated costs of eligible reimbursement expenses:

1. Feasibility Studies* (preliminary environmental analysis, specialist surveys/reports for archaeology, wildlife, biology, etc.; architectural & engineering analysis, design, surveying, & field investigations; cost estimates, and engineering technical reports, Cost benefit analysis

\$ _____ %

2. Conceptual Design (pre-design sketches & conceptual drawings)

\$ _____ %

3. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out project)

\$ _____ %

4. Travel (including per diem where official travel status is required to carry out project, such as serve as COR, experts to review reports, etc.)

\$ _____ %

5. Other Direct and Contracted Labor Costs: Direct labor for agency personnel to do project procurements; COR; PI; to carry out NEPA; to review contracted surveys, designs/drawings, reports, etc.; project manager and/or project supervisor; and contracted costs for project manager and/or project supervisor if contracted separately

6. Other Necessary Expenses (with the exception of construction costs):

\$ _____ %

TOTAL: \$ _____ %

COMMENTS: _____

APPENDIX K

SNPLMA PROJECT MODIFICATION REQUEST FORM

Project Name: _____ **Agency:** _____

Project #: _____ **Priority #** _____

Prepared by: _____ **Phone:** _____ **Date:** _____

PROPOSED MODIFICATION: Check all that apply:

☐ **Change of Scope*** ☐ **Time Extension** ☐ **SAR* Funds** ☐ **BRA Funds ***

*For change of scope, SAR or Budget Reallocation (BRA) fund requests please also include a revised Necessary Expense Estimate Sheet

Please respond to the following:

Description and approved funding of original nomination:

Change Description:

Rationale/Justification:

IMPACT REVIEW (Describe how this change will affect the other aspects of the project?)

Technical Impact/Resource Impact:

Budget Impact:

Schedule Impact:

Performance Impact:

Contract Impact:

Provide Map if Project is Phased

Signature _____ Date _____

Title _____

APPENDIX L

“1151” TRANSFER PROCEDURES

A. Summary of Basic Procedure

The transfer process is a series of five distinct steps following notification of availability of funds: Agency Request; Request Review and Approval; Cash Availability Determination; Treasury Approval; and Transfer of Funds. Funds are transferred to the allocation account at the agency headquarters. Agencies are responsible for coordination with their finance offices to ensure timely and proper distribution of transferred funds for use by the local/regional office to carry out the approved projects, as well as tracking/accounting of transferred funds on a per project basis.

Each eligible agency initiates the transfer process by submitting a request to the BLM Las Vegas Field Office, SNPLMA Division. The requests are then reviewed for completeness and accuracy by the SNPLMA Division and approved by the SNPLMA Program Lead or his/her designee, and then forwarded to the BLM National Business Center (NBC). The NBC ensures sufficient cash availability from investments in the Special Account and forwards the request to the BLM Washington Office Budget Group for transfer. The BLM WO Budget Group enters the transfer data into the Department of the Treasury Financial Management Service’s system and certifies the transaction. Treasury reviews the transfer request, and if it is in order (correct account information and legal citation), the transfer is processed. When Treasury changes the status of the transaction to “Star Posted,” the funds are available for use by the receiving agency. When the BLM NBC receives confirmation from the BLM WO Budget Group that Treasury has completed the transfer, the BLM NBC records the transfer in the Federal Financial System (FFS) which is the BLM’s official accounting records, and advises the SNPLMA Division in writing that the transfer has been completed and posted in FFS. The SNPLMA Division will then notify the local agency representative in writing that the transfer has been completed.

B. Specific Guidelines

- *Appropriate Transfer Frequency:* The nature of the project and accomplishing on-the-ground results drives the appropriate funding basis for transfers, i.e., annual, quarterly or one-time. Small projects of a short duration which can be initiated and completed in less than one year, and projects involving contracts where funding must be available prior to awarding of the contract are examples of work/projects where an annual or one-time funding may be more appropriate than funding on a quarterly basis.
- *Transfers at Logical Stages of the Project:* The Solicitor’s opinion on advanced payments and instructions that payments should be made at logical stages in the life of a project is binding on the BLM. (Examples of “at logical stages” are provided in the preceding bullet.)
- *Balance Results and Interest Earned:* The BLM recognizes a balance must be maintained between on-the-ground results and interest earned.

- *Transfer Request and Report Spreadsheets:* The BLM will provide each agency with an Excel spreadsheet with two worksheets – one a transfer request and the other a report worksheet. The spreadsheets will identify projects by Round, include the name of each project, total amount available which will include the amount approved by the Secretary of the Interior, plus the 10% contingency and any additional funds which have been approved by the Executive Committee, project number, etc.
- *Annual Transfer Request with Quarterly Transfers:* Each agency submits an annual fiscal year transfer request identifying their funding needs for each project on a quarterly basis unless the project or a portion of the project lends itself to an annual or one-time funding basis as described above. As Secretary Approval does not necessarily coincide with the fiscal year, a partial annual funding request may be made after notification of availability of funds following Secretarial approval of a new Round.
- *Provisions to Monitor Obligation/Expenditure of Transferred Funds to Avoid Making Advance Payments:* The February 2005 solicitor's opinion determined that SNPLMA funds are appropriated funds and specified that advance payments are prohibited unless a specific appropriation or other law authorizes it. Because SNPLMA does not authorize advance payments, agencies are expected to identify quarterly transfer amounts consistent with how much they anticipate being able to either expend or obligate during that quarter. If the amount of previously transferred funds expended/obligated by the agency is less than 95%, the agency must provide an explanation on the project report spreadsheet. If the difference in the percent complete compared to the percent of total available funds provided is more than 10%, the agency must provide an explanation on the transfer report spreadsheet. If these differences continue to grow, future transfers could be delayed until the agency obligates or expends funds already provided to make appropriate progress on the project. The SNPLMA Division will consult with the receiving agency as soon as there appears to be a higher than expected discrepancy between funds expended vs. provided and progress vs. funds provided. If the SNPLMA Division believes a transfer should be delayed, it will first advise the agency of its recommendation, and then consult with the Partners Working Group for concurrence. If the Working Group concurs, the SNPLMA Division will coordinate with the receiving agency to determine what criteria and documentation need to be received in order to resume transfers for the affected project.
- *Transfer Request Quarterly Updates:* If an agency has any changes in project funding requirements or circumstances (e.g., termination, on hold), the agency will submit an updated transfer request for that fiscal year. Quarterly transfer funding updates should carry over prior quarterly transfer requests and update all columns to be filled in by the Agency. This includes total of monies previously transferred, amount of previously transferred funds that have been expended/obligated, percent complete, and appropriate comments such as identifying projects that have been cancelled on placed on-hold, explanation of delays in expending funds or accomplishing planned work in a timely manner. The BLM SNPLMA Division will revise spreadsheets to reflect increases in funding from SAR, BRA, or NAC funds and forward the updated spreadsheets to the agency for use with its next transfer request. If no quarterly update is required, the agencies shall include information in their

quarterly status report regarding the amount of transferred funds expended/obligated and the percent of project completion.

- *Agency Investment of Funds:* Agencies authorized to invest SNPLMA funds are strongly encouraged to invest the funds transferred to them in order to maximize interest earning.
- *Schedule for Regular Quarterly Transfers:* Transfers will be made on the first business day of each quarter in accordance with the annual funding request and quarterly updates. If an agency does not submit an update to its annual transfer request by the 15th of the month preceding the start of a new quarter, the BLM SNPLMA Division will automatically process the transfer request for the next quarter by revising the spreadsheet to reflect funds transferred in the prior quarter(s) and the amount of the current quarter's transfer as indicated by the agency on its initial annual or last updated annual transfer request spreadsheet.
- *Fourth Quarter Transfer Requests:* Agencies' fourth quarter requests should include sufficient funds to cover the first month of the new fiscal year in order to avoid a shortage of funds during that first month due to potential first quarter transfer delays resulting from end-of-year closeout procedures and dates on which new fiscal year payments, obligations, and transfers can be made.
- *First Transfer Request for a New Project:* Agencies will continue to be required to request the transfer of funds no later than one year following their receipt of the *Funds Availability Notification* letter from the BLM Las Vegas Office. Agencies shall also submit the estimated necessary expense cost sheet for the new project(s) including milestone and completion dates.
- *Project Close Out:* Once an agency has successfully completed a project, it will provide the BLM Las Vegas Field Office with an accounting of the funds used, description of the completed project as confirmation that the project was completed as described in the approved nomination or consistent with an approved change of scope, and return any surplus funds that were transferred to them to the SNPLMA Special Account.
- *Restrictions on Use of Transferred Funds:* Agencies may use transferred funds to complete a project up to, but not exceeding, the total amount available as approved by the Secretary and including any additional approved SAR, BAR, or NAC funds. Funds may not be redirected from one project to another.
- *Additional Funds:* Requests for funds in addition to those approved for a project by the Secretary are to be submitted and processed in accordance with the SNPLMA Implementation Agreement.
- *Agency Accounting for Transferred Funds:* Agencies will be required to keep a detailed accounting by category and project number that references the Secretary's approval. (Agencies will use the appropriate financial system reports to document fund expenditures. Backup documentation which may be necessary upon an auditor's request will be made available at that time.)

- *Scope of Projects and Allowable Necessary Expenses:* All projects will need to be consistent with the scope of the project as approved by the Secretary and include only allowable necessary expenses as defined by the Implementation Agreement. Changes in scope must be approved in accordance with the processes and procedures outlined in the Implementation Agreement.
- *Time Line for Project Completion:* As mentioned above, Agencies must submit their Necessary Expense Cost Estimate Sheets, including milestones, and completion dates with the initial transfer requests. Requests for extensions of time must be approved in accordance with the policies and procedures outlined in the Implementation Agreement.
- *Points of Contact:* Agencies are to nominate an individual(s) to act as a point of contact for the reporting requirements identified above. Names of the point(s) of contact are to be provided to BLM NSO. Agencies are also to provide a headquarters financial contact for the actual transfer of funds to help ensure that agencies headquarters properly route the funds once deposited in the agency's allocation account.
- *Timing of Annual and Quarterly Update Requests:* Annual transfer requests are to be submitted at least 30 calendar days in advance of the fiscal year. Subsequent quarterly updates are to be made no later than the 15th of the month preceding the first business day of each quarter. A partial annual funding request may be submitted anytime after notification of availability of funds is received following Secretarial approval or a new Round of projects.
- *Requesting Purchase Funds for Land Acquisitions:* Since funds are to be transferred during the quarter in which they're to be expended or obligated (i.e., logical stages in the life of the project), agencies are not to request transfer of purchase funds (the bulk of the acquisition funds) until they have agreement on price with the owner, and can confirm that they are ready to close the acquisition and utilize the purchase funds within the quarter requested. Requests to transfer purchase funds outside of the normal quarterly transfer cycle will be processed when received if necessary to meet the Agency's deadline to complete the acquisition. Agencies must include a copy of the appraisal review and value approval document as evidence that the amount of purchase funds being requested is consistent with the value approved through a Federally approved appraisal.

C. Converting Projects in Rounds 1 through 5 from Reimbursement to Transfer

Conversion of projects in Rounds 1 through 5 from reimbursement to transfer represents a substantial workload for all agencies. Before the BLM can process a transfer request, which would represent an outlay, the BLM must first establish what outlays were made under reimbursement authority and then de-obligate only the remaining amount. (See Instructions for Preparation of Transfer Request, Appendix L-1 for guidance on how agencies establish funds to remain under reimbursement authority when preparing requests to convert a portion of projects to transfer.)

To better manage workloads, the general expectation is for projects that are substantially

completed to continue under reimbursement authority unless an agency has determined there is a compelling business need to complete the remainder of the project under transfer authority. For projects in Rounds 1 through 5 where BLM has obligated funds, agencies may request a conversion from a reimbursement of funds to a transfer of funds³ as follows:

- *Requests for Conversion:* Agencies submit a request to convert from a reimbursement of funds to a transfer of funds to the BLM LVFO. The request is to include a cover memo summarizing the conversion request and a completed transfer request spreadsheet for Round 1 -5 projects. The LVFO will disseminate a fully populated transfer request spreadsheet modified for converting Round 1-5 projects to each agency. If reimbursement for funds already expended for these projects is being requested at the same time as the conversion, the required reimbursement documentation must be provided as described in the Implementation Agreement.
- *De-Obligation for IGO/Task Order and Approval of Transfer Request:* The LVFO, in coordination with the appropriate Contracting Officer, will prepare a Reimbursable Work Authorization (RWA), Inter/Intra-Agency (IA) form or an Intra-Governmental Order form to de-obligate the appropriate amount on the original IGO or task order. The de-obligation documents will be sent to the NSO for processing along with a copy of the signed transfer request spreadsheets.
- *Review and Approval of Transfer Request Spreadsheets:* The LVFO will review and approve the transfer request spreadsheets as described under “Summary of Basic Procedure” above. The original transfer request spreadsheets will be forwarded to the BLM NBC for processing when the de-obligations are completed.
- *Executing and Processing De-Obligation Documents:* The NSO will send the de-obligation documents to the requesting agency for signature by their Contracting Officer or other agency authorized official and returned to the BLM NSO. Upon receipt of the signed document the BLM NSO will execute the de-obligation document, enter the de-obligation into FFS, and notify the BLM NBC to forward the transfer request to the BLM-WO Budget Group for transfer.
- *Submitting Transfer Request to Treasury:* The BLM-WO Budget Group enters the transfer data into the Department of the Treasury Financial Management Service’s system and certifies the transaction.
- *Treasury Processes Transfer Request:* Treasury reviews the transfer request, and if it is in order (correct account information and legal citation), the transfer is processed. When

³ As agencies transition their Rounds 1 through 5 projects from a reimbursement of funds to a transfer of funds, there may be instances where some projects will need to be under both reimbursement and transfer authority for some period of time. This may occur when an agency has outstanding obligations in which expenditures (payments) have not been made while new project tasks would be best handled under transfer authority. Under these conditions, it is incumbent on the BLM and the requesting agency to carefully monitor the reimbursement and transfer processes. A revised Transfer Request Form will be disseminated under separate cover for projects that fall within this category.

Treasury changes the status of the transaction to “Star Posted,” the funds are available for use by the receiving agency.

- *Confirmation of Completion of Transfer:* When the BLM NBC receives the Treasury confirmation from the BLM-WO Budget Group that the transfer has been “Star Posted,” the BLM NBC records the transfer in the Federal Financial System (FFS) which is the BLM’s official accounting records and notifies the SNPLMA Division and NSO that the transfer has been completed.

D. Reporting Requirements for Transferred Funds

- ***Progress Reports:*** Project managers for individual projects are required to submit a quarterly narrative status report on a per project basis to the BLM Las Vegas Field Office, SNPLMA Division. These reports, in conjunction with the completed transfer request spreadsheets should satisfy most annual and quarterly reporting requirements. If annual updated transfer requests are not submitted for any given quarter, the narrative status report should include the amount of funds previously provided that have been expended or obligated by the agency and an updated percent of completion for the project.
- ***Miscellaneous and Ad-hoc Reports:*** Each agency may be requested from time-to-time to provide status reports and other financial data for the annual report to Congress, and information needed by the BLM to respond to special requests from the DOI, OMB, Treasury and Congress.
- ***OMB and Treasury Reports:*** Agencies are expected to coordinate with their respective financial centers to ensure timely submission of their Quarterly SF-133, annual FMS 2108, and monthly Trial Balance (5th day of the month) as required and to provide the BLM NBC with a copy of their submissions.

Appendix M

SAMPLE

RELOCATION ASSISTANCE ASSESSMENT (Under Uniform Act)*

<div style="border: 1px solid black; padding: 2px; margin: 5px auto; width: 200px; text-align: center;">Serial/Project Number</div>				
Complete, sign and date this checklist at initiation of every acquisition!			Yes	No
Residential dwelling located on the property?				
Dwelling occupied?				
Dwelling occupied by an owner?				
Dwelling occupied by a tenant?				
Occupancy permanent?				
Occupancy seasonal?				
If the occupancy is tenant/seasonal, does the tenant own personal property in the dwelling?				
Authority to acquire property within this project area permit acquisition by condemnation?				
Agricultural operation or business located on the property? (This includes billboards, grazing and crop leases.)				
Occupant's Name	Address	Telephone #	Owner	Tenant

Because I answered "Yes" to any of the above questions, I will refer to Chapter IX - Relocation Assistance BLM Manual Handbook H-2100-1, Acquisition, to determine whether relocation assistance may apply, and I will contact the BLM Relocation Specialist if I need assistance.

Signature	Title	Date
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Appendix N

HISTORY OF THE IMPLEMENTATION AGREEMENT

The Implementation Agreement was first developed for the SNPLMA in 1999 by a team of representatives from the BLM, FWS, FS, and NPS. The purpose of the agreement was to address how the Federal agencies could work together to implement the portions of the SNPLMA that require coordination both within the Department of the Interior and between the Department of the Interior and the Department of Agriculture. The team also addressed the requirements related to coordination and consultation with the State of Nevada, local governments, and interested parties. The team assembled a document, entitled *The Federal Partners Charter*, which outlined a collaborative process for developing a recommendation for the Secretary of the Interior regarding the SNPLMA Special Account expenditures. *The Federal Partners Charter* was executed to produce the Round 1 Recommendation for the expenditure of the SNPLMA Special Account.

The lessons learned in executing the process have proven valuable in modifying certain terms of the Charter in order to make the process more efficient and effective. A continuous improvement approach was adopted, and the Charter has been revised on an annual basis.

The first revision, completed in May 2000, added State and local government representatives to the committees that generate the recommendation; added a second public comment opportunity following development of the preliminary recommendation; refined the criteria used to rank nominations for land acquisitions; and renamed the Charter: *The Southern Nevada Public Land Management Act (SNPLMA) Implementation Agreement*.

The second revision, completed in May 2001, added a representative of rural Nevada (appointed by the Governor) to the Partners Working Group; added a fourth representative of local government on the Clark County Projects Sub-Group; added a section on the process and documentation requirements for obligation of and reimbursement from the SNPLMA Special Account following approval; allowed for Federal agencies to be reimbursed for direct labor on capital improvement projects; and changed the SNPLMA Special Account Reserve (SAR) from a percentage (15%) to a fixed amount (\$5 million).

The third revision DATE? , modified the land nomination package requirements, including the requirement to include a “willing agency letter” from the Federal agency that would have management responsibility for the property if acquired; provided for acquisitions and projects to be placed “on-hold” due to extenuating circumstances; allowed, where appropriate, for early appraisal of nominated lands prior to availability of funds; modified funding criteria for all categories, including MSHCP requirements; established definitions and criteria for the Conservation Initiative category, and updated appendices to reflect modifications to documentation requirements for task orders and reimbursement requests.

The fourth revision, completed in June 2004, incorporated the state-level implementation of the FLTFA, modified the land nomination package requirements to incorporate requirements of the FLTFA, adopted definitions and criteria for projects and payment of expenditures for Lake

Tahoe restoration projects, and renamed the Implementation Agreement: *The Southern Nevada Public Land Management Act and Federal Land Transaction Facilitation Act Implementation Agreement*. Other significant administrative and management changes included implementation procedures for expenditure of the Mesquite land sale proceeds; addition of references to regional governmental entities where appropriate and inclusion of these entities in the Park, Trail, and Natural Area subgroup due to their addition as eligible entities for SNPLMA funds under the park, trail, and natural area expenditure category; provided that the amount to be requested for the SNPLMA Special Account Reserve (SAR) shall be determined annually for each round rather than pre-established at \$5 million as previously set for the SNPLMA SAR and allows for a separate Special Account Reserve for the FLTFA; refinement of methods of reimbursement for certain project categories; incorporated changes in reimbursement policies for appraisal costs; modified and clarified allowable costs in all categories; and provided guidelines regarding project equipment; as well as other clarifications and additions to administrative processes and procedures. The changes in allowed costs, processes, and procedures, authorized in the fourth revision apply to all acquisitions and projects which have not yet been completed or terminated.

The fourth revision also set out the process whereby Lake Tahoe Restoration Projects are nominated, selected and recommended parallel to but outside the SNPLMA nomination process carried out by the SNPLMA subgroups and SNPLMA Partners Working Group, with the Final Recommendation for Lake Tahoe being forwarded to the SNPLMA Executive Committee for its consideration and inclusion in the SNPLMA Final Recommendation transmitted to the Secretary of the Interior for approval.

This, the fifth revision, includes several signification modifications. It incorporates the applicable provisions of the Lincoln County Conservation, Recreation, and Development Act of 2004 (P.L. 108-424), and provides for a representative from the BLM Ely Field Office on the capital improvement and conservation initiative subgroups and a representative from Lincoln County on the Park, Trail, and Natural Area subgroup. This revision also includes modifications to reflect determinations made in a February 25, 2005 Office of the Solicitor opinion on “Interpretation of the Southern Nevada Public Land Management Act of 1988 (sic) [1998].” Revisions reflect that SNPLMA funds are considered “appropriated funds” following Secretarial approval, rather than refer to “allowed costs”, this Agreement allows for Necessary Expenses, and removal of a distinction between direct and indirect costs. A list of examples of necessary expenses has also been included. Also of significance are changes in the funding criteria for Capital Improvement, PTNA, Conservation Initiatives, and Land acquisitions. A revised process for addressing project modifications, including approval thresholds for the SNPLMA Division and Partners Working Group is included, as well as a formal process for addressing termination of projects. This revision includes provisions for direct transfer of funds, a Pre-Proposal Planning reserve for pre-design and feasibility studies, revised ranking criteria for all categories except MSHCP and Lake Tahoe, and additional guidance regarding use of SAR funds. Other modifications address clarification and requirements regarding appraisals and determinations under the Uniform Act for acquisition of land and interests in land under the Park, Trail, and Natural Area expenditure category. The provisions for an early appraisals for land acquisitions has been deleted because it is no longer necessary or beneficial given other changes to processes and allowed costs. Other minor administrative and management changes are also included.